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The Alaskan Boundary Dispute : A Milestone in Canada's Maturing Desire for Political Independence

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THE ALASKAN BOUNDARY DISPUTE: A MILESTONE IN
CANADA'S MATURING DESIRE FOR
POLITICAL INDEPENDENCE

by

Edward J. McMahon, S. J.

February
1956

LIFE

Edward J. McMahon, S. J., was born in Bergenfield, New Jersey, November 19, 1929. After his elementary education at St. John's Parochial School in Bergenfield, New Jersey, he attended St. Francis Xavier High School in New York City, being graduated in 1947.

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At the beginning of the Spring session, 1951, he was enrolled at the Graduate School of Loyola University. While writing his thesis, he also attended the Graduate School at Fordham University.

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PREFACE

It can often happen in the course of history that what was once a barren, insignificant wasteland suddenly becomes the pearl of great price, a territory fought over bitterly by many interested parties. Such a transformation actually occurred to the lower boundary of Alaska, a territory of small intrinsic merit, but of genuine political significance. The Alaskan Boundary Dispute of 1867-1903 is an interesting phase of diplomatic history in itself. It has been treated satisfactorily by competent scholars and evaluated accurately. One phase of its significance has been left unstudied, though such scholars as Professor Charles Tansill have pointed out this important aspect. It is the task of this thesis to attempt an elucidation and evaluation of this particular phase of the Alaskan Boundary Dispute, namely, its value as a milestone in the maturing desire of Canada for political independence.

CHAPTER I

HISTORICAL BACKGROUND

In the course of history, land has played a vital and multiple role. It has been the object of man's desire, the goal of a life's dedication, the cause of strife between nations. Often, land has taken on a sudden value and importance. From a barren and apparently useless tract it has blossomed into a rich and productive expanse. Because of the treasures hidden under its crust, or its strategic position, or its social influence, land has continually found itself centered in the dealings of mankind. Finally, in our own day, land has been paid the tribute of a philosophy of life, communism, a philosophy so attractive that almost one-third of the world has dedicated itself to its propagation and realization. Land has at times become a goddess.

The Alaskan Boundary Dispute exemplifies how a heretofore inconsequential strip of land rose to a prominent position forcing nations to diplomatic maneuvers and to a recasting of their allegiance. It is important that we trace the historical growth of the Dispute since we must have available data from which to draw our judgment as to the motivation involved in Great Britain's ballot. The facts of the case must be synthesized and analysed. Then we will be free to

investigate the circumstances surrounding the decision.

Alaska was foremost in the American adoption of the tenets of the Monroe Doctrine. It had attracted the Russian quest for land in the New World to such a high degree that the United States felt its own security demanded that nations foreign to the Western Continent be warned of the unpopularity and risk involved in "foreign" colonization. The American people were sufficiently established to feel at home on this side of the Atlantic and Pacific, and home was to be restricted to the members of the immediate family. This, in essence, was the proclamation of the Monroe Doctrine.

It was as early as July 15, 1741 that a Russian navigator, Captain Tschirikow, landed on the Alaskan coast. It constituted a discovery. To the Russian court, this discovery was an opportune invitation to the American continent, and the Czar did not hesitate to assert his claim to the entire Pacific coast of North America, north of the 51st parallel, forbidding all foreigners to trade in this area. So sweeping a ukase was sure to have repercussions in English and American quarters.¹

There could be no doubt as to the validity of the Russian discovery. On the 15th and 16th of July, 1741,

¹ Edmund J. Carpenter, The American Advance, New York, 1903, 276.

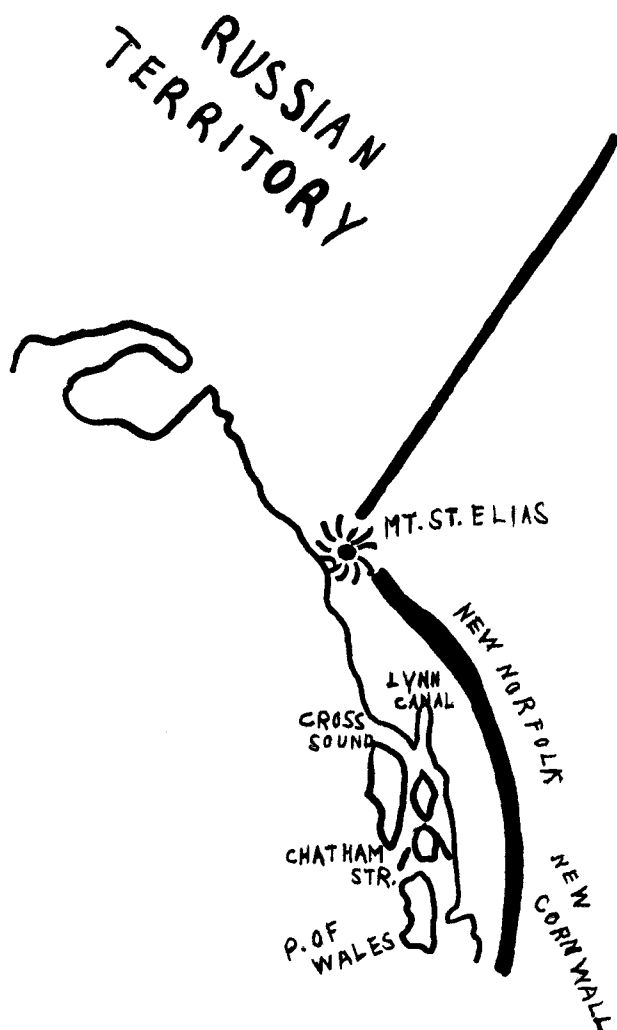
Alexis Chirikof, in the St. Paul, landed on latitude 55° 21', and Bering reached Mount Saint Elias. Together they traversed a distance of 2150 nautical miles, from the immediate vicinity of Dixon entrance to the Peninsula of Alaska and thence along the chain of the Aleutian Islands.² These voyages constituted a formal Russian claim to the land under question. But the Ukase of 1821 went far beyond any just claim based on these discoveries.

This ukase was indeed a formidable assertion. It demanded approximately 100 miles of North American coastline, including Vancouver Island which was disputed by both American and English diplomats. All trade, colonization and commerce had been forbidden to all except the Russians, more particularly, it had been reserved for the Russian-American Company. It was this company of traders which published and circulated the demands of the ukase.³

The Russians were not at all amazed at what the United States and Great Britain considered an unprecedented and unreal assertion. Russia was convinced that such a precedent had been set at the Treaty of Ghent in which a strip of 30 marine leagues was accepted as a legal boundary margin.

2 George Davidson, The Alaskan Boundary, San Francisco, 1903, 28.

3 Ibid., 44-45.



"Canadian Map of 1821: compiled by Joseph Bouchette, Jr., Deputy Surveyor General of the Province of Lower Canada."

Map No. 9, Balch, The Alaska Frontier, Phil., 1903.

It was precisely because of this precedent that the Czar had "limited" himself to a 100 mile strip.⁴ Hence, the Russians claimed that the Ukase of 1821 was within the scope of International Law.

Such a view was not shared by President Monroe. On December 2, 1823, the Monroe Doctrine heralded the danger of foreign colonization on the American continent and a warning was levelled to all European powers, especially Russia. The strong feeling aroused in America and the serious tone of Monroe's Presidential Address induced the Russian Czar, Nicholas I, to reconsider the claims of the Ukase of 1821.

In April 1824, a treaty between the United States and Russia was signed which toned down the extravagant demands of the ukase considerably. The Americans could not move above the northern latitude of $54^{\circ} 40'$. For a period of ten years Americans could fish, trade and navigate in North American waters with the stipulation that no arms, ammunition nor liquor be sold to the natives.⁵ This Treaty was arranged through the agency of Mr. Henry Middleton who represented the United States, the Russian representative, Le Comte Charles de Nesselrode, and the French interpreter, Pierre de Poletica. It should be noticed that the United States was primarily interested

⁴ Ibid.

⁵ Carpenter, The American Advance, 278.

in the territory under question, Colonization and trade over such an area had prompted the Monroe Doctrine and had led to the terms of such a treaty.

While this Treaty of 1824 quieted the American protest for a time, Great Britain had yet to be appeased. On February 28, 1825, a similar treaty was struck between Great Britain and Russia. It is significant that the primary purpose of Great Britain in this treaty with Russia was not to clarify any territorial question but merely to win an official disclaimer of the assertion in the Ukase of 1821.⁶ The particular clause in the Ukase which had outraged the British was the claim that only Russian vessels had the right to fish and carry on the fur trade along the shores of the North Pacific for a distance of 100 geographical miles seaward. It was a disavowal of this assertion over which Great Britain busied herself in the Treaty of 1825.⁷ Mr. George Canning, Secretary of the British Foreign Office in 1823, wrote:

It is not, on our part, essentially a negotiation about limits; . . . we negotiate about territory to cover the remonstrance upon principle.⁸

In a letter to Mr. Stratford Canning on December 8, 1824,

6 Thomas Welling Balch, The Alaska Frontier, Philadelphia, 1903, 17-18.

7 Davidson, The Alaskan Boundary, 24.

8 Ibid., 25.

Mr. George Canning stated the same concern in clearer terms:

It is comparatively indifferent to us whether we hasten or postpone all questions respecting limits of territorial possession in the Continent of America, but the pretensions of the Russian Ukase of 1821 to exclusive dominion over the Pacific could not continue longer unrepealed without compelling us to take some measure of public and effectual remonstrance against it.⁹

It may be accurately concluded that territorial possession was not the primary nor even substantial purpose of the British in their Treaty of 1825.

For Russia, however, the importance of the Treaty was territorial. Russia insisted upon a strip of continental coastline, the main purpose of which was to prevent any territorial encroachment by the agents of the Hudson's Bay Company. Such a possibility was not novel in British circles. George Canning had waited for a complete report from the Hudson's Bay Company before entering into negotiations and he was well aware of their hopes and aspirations.¹⁰ It was in spite of this pressure from the Company for territorial advancement that the Foreign Secretary made paramount the repeal of Russian dominion over Northern Pacific waters. Canning's stress makes more emphatic the British indifference

9 Ibid., 72.

10 Ibid., 46.

to territory at this time.¹¹ It was a maneuver well chosen by the British, for the Russians were to lay their stress on the territory they claimed. Because of this dichotomy of interest between Great Britain and Russia, no center of controversy was reached. Russia agreed to accept:

a continuous strip including all the inlets of the sea and with a width of ten marine leagues (30 miles) unless within that limit was a chain of mountains which constituted a natural international watershed boundary.¹²

More specifically the limits were set as follows:

The Treaty of 1825 provided that north of Portland Channel the boundary should follow the summit of the mountains parallel to the coast, and when these mountains proved to be more than ten marine leagues from the coast, the line was to be drawn parallel to the windings of the coast at ten leagues distance.¹³

Because a correct evaluation of the Boundary Dispute depends so greatly on a correct understanding of this boundary strip granted Russia in the Treaty of 1825, it will be well to quote this part of the Treaty in full:

Commencing from the southernmost point of the island called Prince of Wales Island, which lies in the parallel of 54° 40' north latitude . . . the said line shall ascend to the north along the channel

¹¹ James Morton Callahan, American Foreign Policy in Canadian Relations, New York, 1937, 465.

¹² Ibid.

¹³ Oscar Skelton, The Day of Sir Wilfrid Laurier, Toronto, 1920, 211.

called Portland Channel as far as the point of the continent where it strikes the 56th degree of north latitude; from this last mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intercession of the 141st degree of west longitude . . . Whenever the summit of the mountains which extend in a direction parallel to the coast . . . shall prove to be at a distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the winding (sinuosities) of the coast, and which shall never exceed the distance of ten marine leagues therefrom.¹⁴

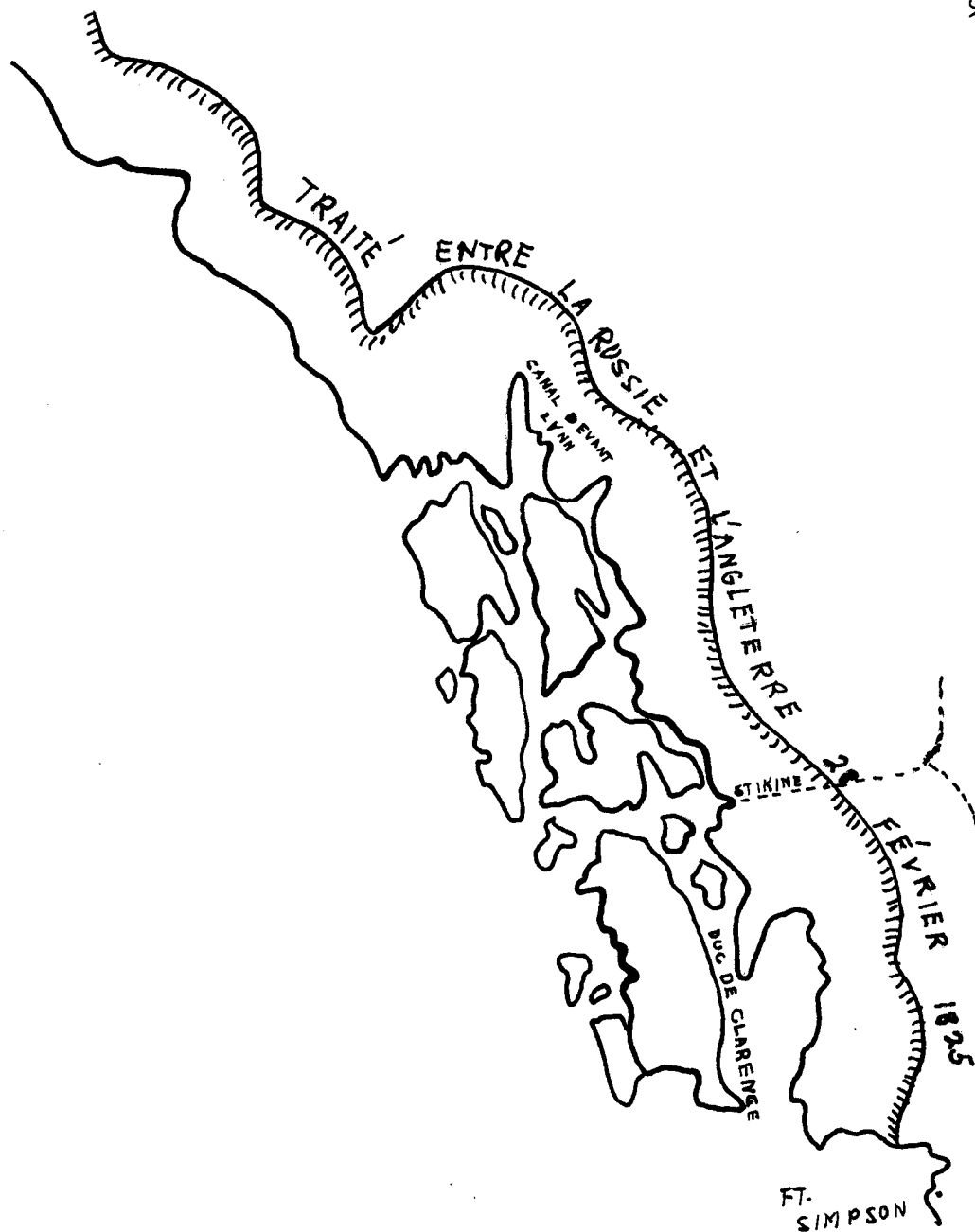
It was this clear and obvious divergence between the British interests in the North Pacific waters and the Russian insistence on their territorial rights which the United States would claim as the distinct character of the Treaty of 1825. The United States in 1903 would be defending these same Russian claims of 1825, which, we must notice here, were quite acceptable to the English and against which no formal protest was made manifest.¹⁵ The Russian agent, Nesselrode summed up the situation in the apt sentence: "We wish to keep, English wish to obtain."¹⁶ This pithy sentence epitomizes the articles of the Treaty of 1825 between Great Britain and Russia.¹⁷

¹⁴ Callahan, American Foreign Policy, 466.

¹⁵ Alaskan Boundary Tribunal, "The Argument of the United States," Washington, 1903, 73.

¹⁶ Ibid., 24-25.

¹⁷ Balch, The Alaska Frontier, 6-8.



"Map of Duflot de Mofras, Paris, 1844."
Map No. 10, Balch, The Alaska Frontier, Phil.,
1903.

Much importance has been given to the terms of the Treaty, especially to those statements which refer to the geography of the area under question. It seems germane to our thesis to investigate the reliability and accuracy of the maps used to designate the territorial limits.

The chart basic to geographical studies at this early date of 1825 was that of George Vancouver, Esq., published in 1798.¹⁸ He had met with the Spanish explorers in 1792 and 1793 and had access to the charts of Caamano in 1793. All British and American charts, till 1867, were based on Vancouver's, and it is no secret that Vancouver's charts dealt with the coast and not the interior, in any sense of the word.¹⁹ In 1827, Russia published a map which was later adopted by both the British and American governments, and which was to be referred to by the United States in her argumentation of 1903.²⁰ This map was used by Russia and the United States under the treaty of cession in 1867. It traced the Russian territory from the head of Portland Channel ten marine leagues from tidewater and around the heads of all inlets to the

18 Davidson, The Alaskan Boundary, 49-50.

19 Ibid., 64.

20 Callahan, American Foreign Policy, 466.

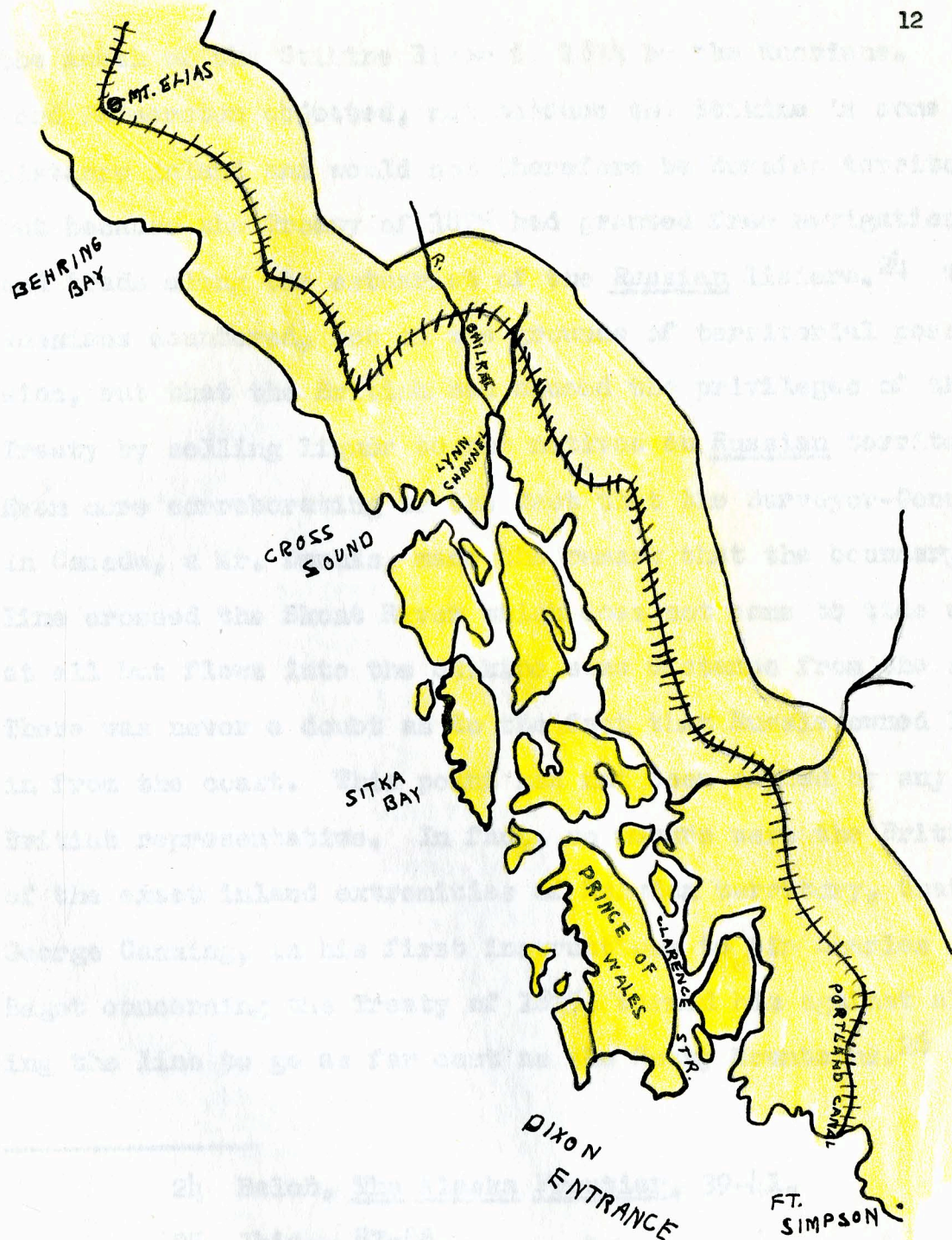
meridian of 141 W. and on 141 to the Arctic Ocean.²¹ In 1867, the United States Government delineated this panhandle strip exactly as Russia had claimed it in her map of 1827, referred to previously. The United States issued this map thirteen years after Baron Stoeckl made overtures in 1854 for the purchase of Alaska.²² Washington declined this offer, but must have been aware that such a purchase would have included this panhandle strip. The fact that the United States issued a claim to this same strip thirteen years later would confirm what they conceived to be the Russian-Alaskan territory.

Besides the clarity of the maps themselves, there are other indications of the universal acceptance of the panhandle as Russian territory. These maps were accepted by both Russia and Great Britain and by all cartographers of the time. Official maps of Great Britain were continued with the understanding that Russia owned all interior waters and coasts along the strip.²³ It was because of this understanding that the British ship, Dryad, was turned back from

21 Ibid.

22 Carpenter, The American Advance, 278-281.

23 A.B.T., "The Argument of the United States," 141-142.



"Map published by the State Department of the United States, 1867." Map No. 17, Balch, The Alaska Frontier, Phil., 1903.

the mouth of the Stikine River in 1834 by the Russians. Lord Palmerston objected, not because the Stikine is some distance inland and would not therefore be Russian territory, but because the Treaty of 1825 had granted free navigation and trade along the estuaries of the Russian lisiere.²⁴ The Russians countered, not on the grounds of territorial possession, but that the British had abused the privileges of the Treaty by selling liquor to the natives on Russian territory. Even more corroborating is the fact that the Surveyor-General in Canada, a Mr. Dennis, made the remark that the boundary line crossed the Skoat River which does not come to tide water at all but flows into the Stikine some distance from the sea.²⁵ There was never a doubt as to the fact that Russia owned land in from the coast. This point had not been argued by any British representative. In fact, so unsure were the British of the exact inland extremities of Russian territory, that George Canning, in his first instructions to Sir Charles Bagot concerning the Treaty of 1825, warned him against allowing the line to go as far east as the Rocky Mountains.²⁶

24 Balch, The Alaska Frontier, 39-41.

25 Ibid., 87-88.

26 Davidson, The Alaskan Boundary, 64.

His terminal point was bizarre but he was thinking in the appropriate direction.

The Russian fear of any infringement on their territory by the Hudson's Bay Company has been alluded to earlier. Russia was aware of the activity exerted perilously close to her boundary line by these British traders. The Russian fear was justified for the British could not confine themselves to their own limits. On February 6, 1839, the Hudson's Bay Company, under Sir George Simpson, leased from the Russian American Company, for a ten year period, all of the lisiere extending from Cape Spencer at Cross Bay and Mount of Good Hope down to fifty-four forty. It was renewed in 1849 for ten years, in 1859 for three years, in 1862 for three years, till the lease was finally extended to 1867.²⁷ It was obvious to Sir George Simpson, Governor-in-Chief of the Hudson's Bay Company Territories in North America for thirty-seven years, that the Russians controlled a vital territory in this pan-handle strip. After his trip around the world, he wrote:

Russia, as the reader is, of course, aware, possesses in the mainland, between 54°40', and latitude 50, only a strip, never exceeding thirty miles in depth; and this strip . . . renders the interior comparatively useless to England.²⁸

27 Balch, The Alaska Frontier, 42.

28 Davidson, The Alaskan Boundary, 194-95.

Simpson again stated the extent of the Russian territory in his testimony before the Parliamentary Committee of 1857, and he referred to a British map of 1857 which was based on the previously cited Russian map of 1827.²⁹ His testimony is enlightening and should be quoted in part.

1026. Besides your own territory, I think you administer a portion of the territory which belongs to Russia, under some arrangement with the Russian Company?

There is a margin of coast marked yellow in the map from 54°40' up to Cross Sound, which we have rented from the Russian American Company for a term of years.

1027. Is that the whole of that strip?

The strip goes to Mount Saint Elias.

1028. Where does it begin?

Near Fort Simpson is latitude 54; it runs up to Mount Saint Elias which is further north.

1029. Is it the whole of that strip which is included between the British territory and the sea?

We have only rented the part between Fort Simpson and Cross Sound.

1030. What is the date of that arrangement?

That arrangement, I think, was entered into about 1839.

1031. What are the terms upon which it was made; do you pay a rent for that Land?

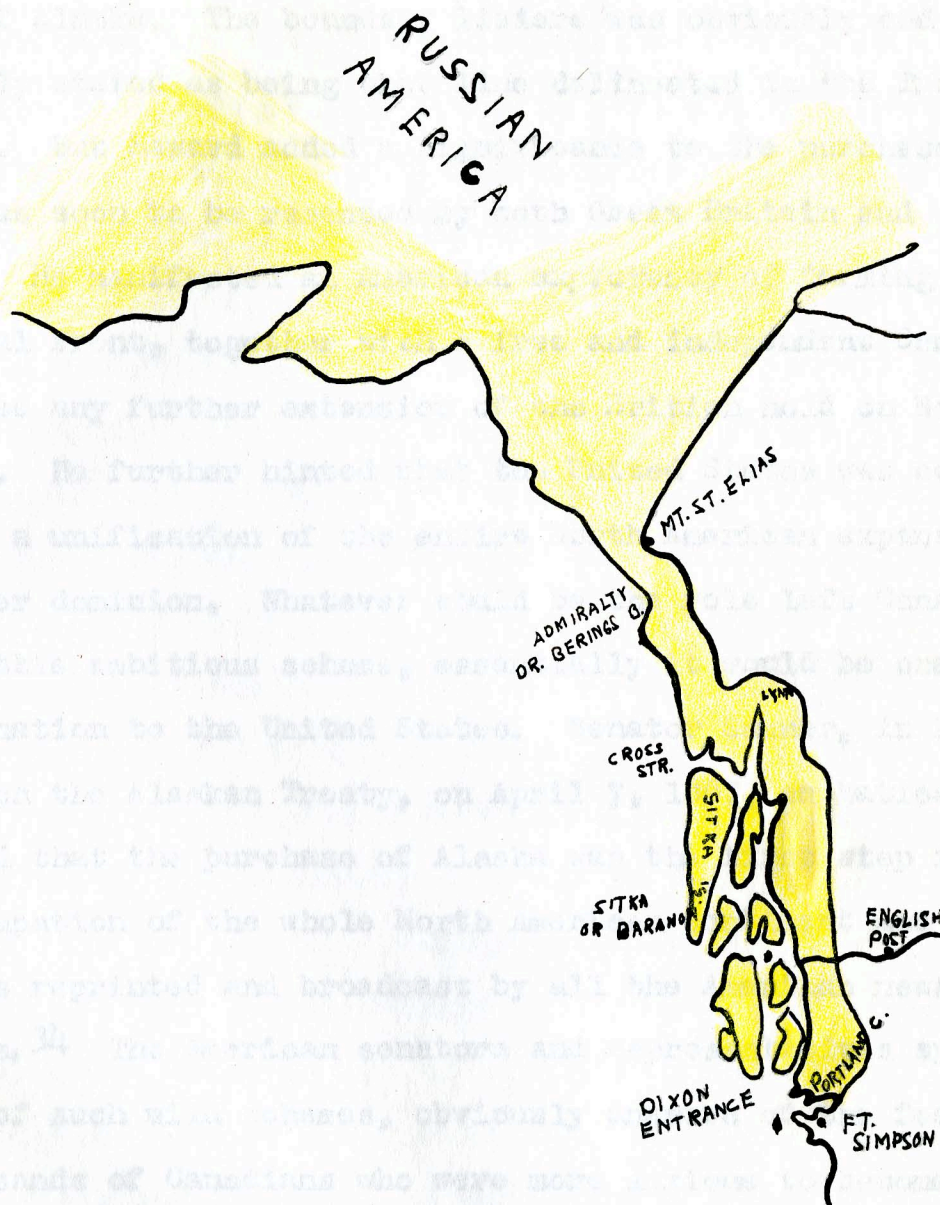
29 Ibid.

The British territory runs along inland from the coast about thirty miles; the Russian territory runs along the coast; we have the right of navigation through the rivers to hunt the interior country. A misunderstanding existed upon that point in the first instance; we were about to establish a post upon one of the rivers, which led to very serious difficulties between the Russian American Company and ourselves; we had a long correspondence, and, to guard against the recurrence of these difficulties, it was agreed that we should lease this margin of coast, and pay them a rent, in the first instance, in otters; I think we gave 2,000 otters a year; it is now converted into money; we give, I think, 1500 pounds a year.³⁰

Simpson realized that to hunt the interior waters within the thirty mile inland stretch he needed Russian permission. Till the date of the American Purchase of Alaska, 1867, even the notorious Hudson's Bay Company acknowledged the Russian domination of a lisiere with a thirty mile width, a width which included interior rivers between Fort Simpson and Cross Island. There was no pretense to the lisiere extending along a straight line drawn from any two points which would exclude interior waters during all this time to 1867. Such a pretense was to come at a later date.

Attempts to buy Alaska were made by the American Government before the actual purchase date of 1867. President Buchanan had offered to buy the territory for five million dollars but Russia felt this was not enough. In January

30 As quoted from Balch, The Alaska Frontier, 47-49.



"Map of the Hudson's Bay Company: "Ordered by the House of Commons to be printed 31st July and 11th August, 1857."

Map No. 14, Balch, The Alaska Frontier, Phil., 1903.

1866, the legislature of the territory of Washington urged the purchase of the Russian possessions. In March 1867, President Johnson suggested a treaty which would purchase all the Russian possessions in North America. The Senate approved the Treaty by a vote of 37-2. On March 29-30, Alaska was bought for seven million two-hundred thousand dollars in gold. The Treaty was formally ratified in May, 1867. From this date Alaska remained a military district until 1884 when Congress provided it with a civil and judicial government with a civil Governor, judges and other officials.³¹

There was no doubt in the minds of American statesmen as to the lisiere boundary line. Seward spoke in the Senate immediately after the Treaty was read, and expressly stated that this boundary line was according to the Treaty of 1825.³² Later, in an interview, he stated:

that the American purpose was to prevent the possible extension of England's coast line on the Pacific, to strengthen American influence in British Columbia, and to hasten the destiny of Canada to form a political union with the United States that would result in the development of its resources and the removal of causes of irritation between England and the United States.³³

31 Carpenter, The American Advance, 282.

32 Balch, The Alaska Frontier, 72.

33 Callahan, American Foreign Policy, 307.

Seward thus began to shift the emphasis of meaning in the purchase of Alaska. The boundary *lisiere* was obviously and expressly stated as being that line delineated in the Treaty of 1825. But Seward added a significance to the purchase which was soon to be resented by both Great Britain and Canada. He manifested an American expectancy of forming a political front, together with a free and independent Canada, to oppose any further extension of the British hold on North America. He further hinted that the United States was contemplating a unification of the entire North American expanse under her dominion. Whatever would be the role left Canada within this ambitious scheme, essentially it would be one of subordination to the United States. Senator Sumner, in his speech on the Alaskan Treaty, on April 7, 1867, emphatically declared that the purchase of Alaska was the first step in the occupation of the whole North American continent and this view was reprinted and broadcast by all the American news agencies.³⁴ The American senators and representatives spoke openly of such wild schemes, obviously unaware of the feelings of thousands of Canadians who were more anxious to become self-ruling than another addition to the already formidable

³⁴ Ibid., 308.

union called the United States. The strong sections of French Canadians, the English-speaking radicals who were pressing for independence from Britain, were far from being favorable to any plan of unification with the United States. True there were factions in Canada who openly supported such a unification, but the vast majority centered their energies and efforts on a scheme more indigenous---Canadian independence. Their determination became all the more dogged at these bland and outspoken ambitions of the Americans. The purchase of Alaska had taken on a meaning which Senator Sumner himself had placed on it, viz., a first step towards the complete domination of the North American continent. If the Americans were anxious to spread their possessions further inland it would be worth the attention of the Canadians to restrict them to their boundary line and to clarify all boundaries once and for all. Surely Great Britain would corroborate such a view and complement Canadian efforts. The Alaskan Purchase, then, by way of giving an occasion to American representatives to express their desires in regard to Canada, alerted the Canadians to the boundary lines and motivated them to safeguard their territories from any grandiose scheme of the United States.

Alaska now brought two new suitors face to face.

Before 1867, Russia and Great Britain were eyeing one another

with suspicion. Now, in 1867, Russia had sold its claims to the United States while Great Britain allowed its offspring, Canada, to handle its domestic affairs. A new scene was set. The future history of Alaska would be greatly determined by the aspirations of the United States, and the interests of Canada, which interests would always be guided by the strong mother hand of Great Britain.

Any development on the boundary question, any clarification of the boundary line, any disputed area, was sure to be treated with the utmost caution and attention. The many interior waterways that intertwined between Canadian and American territory were rich prospects for dispute. It would seem almost inevitable that a boundary clarification would be demanded.

It was in the midst of such circumstances that the case of Peter Martin arose. In January, 1877, Canada transported a convicted prisoner, Peter Martin, along the Stikine River from his place of conviction to the place of imprisonment in British Columbia. The Canadian judge asserted that British Colonial authorities or courts had jurisdiction or concurrent jurisdiction over offenses committed within any part of that territory whose treaty line of boundary remained unmarked on the map. The maps were unmarked in those areas where no solid block of land was found but a concatenation of

of islands, surrounded by small bodies of water, touching peninsula lands. It was taken for granted that the Americans owned thirty miles inland. What was inland and where did the thirty mile limit begin? Custom had sufficiently indicated territorial limits, e.g., the Hudson's Bay Company admitted the rights of Russia over the Stikine River, as was pointed out previously, but no line had been found on the recent maps delineating such possession. Secretary Fish dissented from this doctrine proposed by the Canadian judge.³⁵ He submitted the question of defining the boundaries. Secretary Evarts agreed to a temporary boundary on the Stikine with the distinct understanding that such a concession would not be interpreted as any denial on the part of the United States of their rights to the territory. This concession was made in view of the Peter Martin case; it was a point of expediency not a definitive boundary clarification. There was never any doubt in the minds of the Americans as to the legal territorial possession of the area.³⁶ As mention was explicitly made to the mere expedience involved in the Peter Martin case, it would not be valid to present this decision as an American avowal of British domain over the Stikine River area.

³⁵ Ibid., 468.

³⁶ Alaskan Boundary Tribunal, "The Counter-Case of the United States," Washington, 1903, appendix, 87.

This otherwise insignificant case of Peter Martin pressed the importance of a boundary clarification on all parties concerned.³⁷ The fact that Mr. Joseph Hunter, a Canadian official, fixed a temporary boundary line twenty miles inland in June, 1877, was to give Canada grounds for the argument that the lisiere was less than the thirty-mile limit, previously understood by both the Russians and Americans. From this date on, confusion shrouded the boundary limit. Was the line to run along the sinuosities of the coast and extend thirty miles inland from each point on the coast or was a line to be drawn, heedless of the indentation of coastline, from which the thirty-mile limit would extend? Canada was to argue that the twenty mile extension, established by Hunter in reference to the Peter Martin case, clearly showed that a boundary line was not to follow the indented coastline since, at this point along the Stikine, the line ran not thirty miles from the coast but twenty.

When in 1884 Justice Gray suggested that the boundary should run up Clarence Strait and north of Portland Channel, President Cleveland brought the boundary question before Congress. It was decided that the United States should enter on preliminary discussions with Great Britain to

37 Balch, The Alaska Frontier, 88-90.

decide a treaty that would clearly delimit the boundary. In January, 1886, Britain favored a preliminary survey. In 1888, Dr. Dawson of Canada, and Mr. Dall, representing the United States, informally discussed the boundary. Dr. Dawson was interested in sharing Clarence Strait, an area which had been clearly understood as American. It was obvious that if any settlement was to come at this time it would have to be a compromise. It was not until 1898 that a modus vivendi was reached. The boundary was temporarily fixed at the summits of Chilkoot, Chilkat and White Passes.

CHAPTER II

THE MAIN ARGUMENTS OF THE BOUNDARY DISPUTE

At this point, it would seem best to pause and briefly enumerate the main arguments presented in the Boundary Dispute. It is important to this thesis to understand the judicial and legal claims of both the United States and Canada. It seems evident that the United States definitely had the stronger case. The history of the territorial significance of Alaska, the clear statement of the Ukases of the Czars between the years 1799 and 1821, the Treaties of 1824 and 1825, the custom and tradition of American occupation of the thirty-mile inland stretch, all provided the United States with a strong judicial claim to the disputed area. It also provided the diplomats of Great Britain reasonable and just grounds for casting their vote in favor of the American claim. The question will arise later as to the indifference and pure justice of this British ballot but it must be noted that as far as the arguments intrinsic to the Alaskan Boundary dispute were concerned, there was a distinct American advantage.

The focal point of the boundary question rested in the correct understanding of the thirty-mile limit. The boundary was to follow the coast, as was most explicit in the

Treaty of 1825, and by the coast was meant the interior waters.¹ It was also evident that the understanding of both the United States and Great Britain was that the Ukase applied to the entire coast.² The Treaty between the United States and Russia, proclaimed on January 12, 1825, stated as much in the third of its six articles.

It is moreover agreed that hereafter there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the Northwest Coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.³

The islands adjacent to the north of fifty-four degrees and forty minutes of north latitude were here formally attributed to Russia, and constituted the territory which was later to be bought by the United States. Great Britain acquiesced in this declaration. We might recall the complete indifference of the British to any territorial possession alluded to earlier.

The Canadian case in the Boundary Dispute was weakened in that for seventy-five years this assumption of Russia and the United States to the rightful ownership of the

1 A. B. T., "The Argument of the United States," 65.

2 Ibid., p. 68.

3 Quoted by Davidson, The Alaska Boundary, 77.

inland waters and to the continuity of the lisiere had gone virtually unchallenged by the Canadians.⁴ British maps, as well as Russian and American, had shown the boundary running around the heads of the inlets. It would seem logical that if the Canadians were dubious about the extent of the lisiere and the inland waters, some formal remonstrance would have been made before 1898. Can it be argued that they were unaware of even the possibility of such a remonstrance? It seems not, for the British had alerted them to such a possibility, and had found them unusually apathetic to any formal objection to the boundary assumption of the United States. On March 22, 1899, Sir Richard Cartwright, speaking to the House of Commons, laid emphasis on this Canadian apathy when he said:

We found ourselves hampered to the most extreme degree by the extraordinary apathy and indifference which the government of Canada for the period of eighteen years from 1878 to 1896 had manifested in regard to this question.⁵

Sir Richard, however, was not only calling attention to Canadian apathy on this question but was also recalling the inactivity of the British themselves. There was no claim

⁴ Oscar Douglas Skelton, Life and Letters of Sir Wilfred Laurier, New York, 1922, II, 135.

⁵ Ibid., 135-136, footnote 1.

to these territories by Great Britain herself till 1898.⁶ Such passivity argues to the clarity and universal acceptance of the dicta of the Treaty of 1825. If there existed any genuine doubt as to the ownership of the interior waters or to the extent of the lisiere, one should expect a challenge of this assertion from either Great Britain or Canada. The United States made capital of this awkward position of Great Britain and Canada when it presented its case in the final Boundary Tribunal.

The right of Great Britain to the territory in question was as perfect and complete as it ever could be, from the moment the Treaty of 1825 with Russia was executed. If from that time down to 1898 she failed to assert the right now set up, and acquiesced in the exercise of dominion and jurisdiction upon the part of Russia and the United States, such acquiescence should be conclusive as to her understanding of the Treaty of 1825.⁷

A clearer statement of the case could not be found.

To corroborate the universal understanding the United States had recourse to the inhabitants of the land under question. The sworn statements of the Indians are enumerated by the United States in the pages of her presenta-

6 A.B.T., "The Argument of the United States," 165.

7 Ibid., 203-204.

tion of American claims issued in the final Boundary Tribunal.⁸ This long list indicates that it was the common understanding of the natives living in the disputed area that they were of the opinion that this territory had been owned by Russia and handed over to the United States.

Nevertheless, the Canadians were to dispute the assertions of the Treaty of 1824. Sir Wilfrid Laurier expressed the Canadian position on Prince of Wales Island and offered doubt to what the Treaty really meant.

Through what channel was the boundary to run from Prince of Wales Island to the mainland? What line was the boundary thence to follow? The crest of the mountains, parallel to the coast, and, if so, which mountains, or--the alternative provided in the treaty when these mountains should prove more than ten leagues distant from the ocean--a line parallel to the sinuosities of the coast and never more than ten leagues distant?⁹

The fourth article of the Anglo-Russian Treaty of February 28, 1825, stated the position as follows:

. . . giving the whole Prince of Wales Island to Russia when the summit of mountains should exceed ten marine leagues from the Coast, then the boundary was to be formed by a line, drawn parallel to the windings of the Coast, at the distance of ten marine leagues.¹⁰

The Canadian doubt might be reduced to this. There seemed to be general adherence to both treaties with Russia,

8 A.B.T., "The Case of the United States," 543-550.

9 Skelton, Letters of Laurier, II, 135.

10 As quoted by Davidson, The Alaska Boundary, 71.

but both treaties contained only general directives to the land along the boundary line. Probably because of the deficiency of the maps at the time of the treaties, there was no specific mention of what particular channels, what particular mountain-ranges, and what particular inland waters were boundary limits. Granting that the United States owned the land south of the mountain summit ten marine leagues from the sea, after which the boundary line should follow the sinuosities of the coast at the same distance, what specific mountain range was the boundary and what constituted the "sinuosities" of the coast?

American Secretary Bayard had learned that the frontier boundary was impossible to survey with exactitude. In November, 1885, he suggested to the British Government that they appoint an international commission to decide the specific limits of the boundary.¹¹ By so doing, Bayard was of the opinion that an early settlement of the boundary question would be reached. He demanded, however, that the survey be conducted in substantial accord with the intent of the Anglo-Russian Convention of 1825, and that the boundary line would be determined by meridian observations or by known geographical features.¹² In March, 1886, Bayard was informed that

11 Callahan, American Foreign Policy, 468.

12 Ibid.

Canada had agreed to this preliminary survey by a joint commission.¹³ Bayard wrote the American Ambassador in London that they could hope for a speedy settlement of the boundary question and in October, 1888, Bayard told Phelps to prod Britain into advising the Canadians to prepare their survey party.¹⁴ In December, 1888, President Cleveland recommended to Congress an appropriation for a survey of the region but Congress was not ready for such action.

It was in 1896-97, that a discovery of gold in the Klondike brought the boundary question to the people of both the United States and Canada. Till this date the Alaskan Boundary was mostly a concern of diplomats. The Klondike area and its precious treasure was now to enlist the interest of thousands of ambitious Americans and Canadians. A tremendous surge of prospectors scrambled over the Alaskan territory and boundary limits were the least of their obstacles. Without heed to the boundary, Canadians and Americans rushed to and fro, staking their claims over the land. Rivers, canals, inlets and stretches of land took on a new importance and significance. Access to the Yukon was urgent. It was this discovery of gold which seemed to transform the heretofore apathy and indifference of the Canadians into feverish and

13 Ibid., 469.

14 Ibid.

active interest.

The Lynn Canal offered the best approach to the interior and thence to the Yukon region.

. . . most important inlet which penetrates more than 30 miles is Lynn Canal which runs nearly 100 miles inland. Towards its northerly end, it splits into 2 narrow forks, which lead to the principal landings on this part of the coast. The Lynn Canal thus forms 2 harbors. On one lie the towns of Dyea and Skagway, closely adjacent to each other and marking the entrances to parallel passes known as Chilkoot and Skagway. The other and less frequented harbor, called Pyramid Harbor, gives access by a third pass to the Dalton trail, which leads to Fort Selkirk, some 250 miles distant. Over the Skagway Trail, by which it was only 40 miles to the first navigable waters of the interior, a railway was built in 1898-1900 to the head of navigation on the Yukon.¹⁵

The importance of Lynn Canal to the gold rushers is obvious. It offered the easiest and best transportation to the interior. Canadian officials contended that all the landing places, lying beyond what they considered to be the thirty-mile limit, were Canadian territory.¹⁶ The Klondike discoveries added freshness to the Canadian doubt as to exactly what the treaties with Russia specified. Recourse was had to the wording of the treaties.

The French word used in the Anglo-Russian Treaty of 1825, referring to the mountain line, was la crete. It

15 Allan Nevins, Henry White, New York, 1930, 188-189.

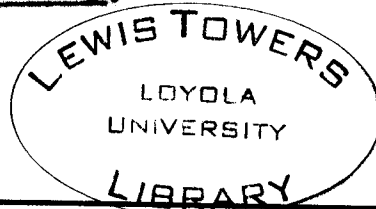
16 Ibid.

was translated as "summit". As "summit" the meaning would be the highest point of a particular mountain. But Professor Davidson shows that translating la crete by the English word "summit" is incorrect because la crete means the "crest-line" of a mountain chain. And it is quite obvious that not every summit is on the crest-line, e.g., Mount Rainier in Washington.¹⁷ The difference in meaning is vast. If la crete meant summit, then each and every mountain summit could be confused for the boundary line. But if la crete means the crest-line of a mountain chain, then the boundary is more definite and easily marked.

In the Anglo-Russian Treaty of 1825, the French word sinuosités occurs. It appears in Article IV, number 2. Here sinuosités is translated as "windings."¹⁸ Windings can have a vague meaning. One would not know whether the "windings" were to include inlet bays, sharp indentations of coastline, etc. Professor Davidson argues that the word sinuosités comes from the Latin sinus, which is used to designate a sharp coastline, regardless of whether any islands are immediately along the coast. The word sinus is used to designate a sharp coastline such as that of Greece. Hence,

17 Davidson, The Alaska Boundary, 85-86.

18 Ibid., 86.



by applying the same basic meaning to the Alaskan coast, it would include every bay, inlet, etc. of Vancouver Island. Davidson shows that this is the very meaning the Russians wished to convey by the word sinuosité¹ in the Treaty of 1825.¹⁹

In the same treaty, the French word lisiere is used in Articles IV, V and VI.²⁰ The word was translated as "line." But when line was meant, the French word ligne was used. In Articles III and VI, ligne is used and correctly translated "line." In Article VI both ligne and lisiere occur and both are translated as "line." Professor Davidson argues that lisiere has a technical meaning far beyond that conveyed by "line." A lisiere technically means a border, a strip which suggests breadth as well as length.²¹

Canadians argued that the word "ocean" was substituted for the French mer, meaning the salt water beyond the islands. This, of course, would have pushed the starting line of the thirty-mile limit out to the ocean water; but the word is used interchangeably in the Treaty of 1825, e.g., Article I includes the phrase Ocean Pacifique, and Article VI speaks of Mer Pacifique.²² And Littré, in his Dictionnaire

19 Ibid., 88.

20 Ibid., 89.

21 Ibid.

22 As quoted by Balch, The Alaska Frontier, 127.

de la Langue Francaise, uses them interchangeably.²³

The Canadians were further confused by reference to both Portland "Channel" and Portland "Canal". However, common usage showed that both designations mean one and the same body of water.²⁴

Since these doubts persisted, the Canadians were for specifying the boundary line, depending on the thirty-mile limit, by computing the distance from the outer edge of the territorial waters. They felt an imaginary line should be drawn along this outside limit, from which the thirty miles could be measured. By so doing, one could find that the line of frontier would not pass around all the sinuosities of the coast, but across many of them. This would leave many of the upper reaches, as, for example, the upper extremity of Lynn Canal, within Canadian territory.²⁵ It may have been due to this interpretation that so many of the Canadian maps underwent so curious a change during this time.

The Canadian maps have gone through a curious and suggestive series of transformations in their exhibition of the southeastern boundary, from that of 1831, which (without claims to precision) drew the lisiere around the Archipelago Alexander, to

23 Ibid.

24 Ibid., 106.

25 Ibid., 125.

the extravagant British Columbia of 1895, where the boundary line passes through Clarence Strait, cuts off the heads of most of the inlets, and appropriates fifty nautical miles of Lynn Canal and Taiya Inlet, and forty miles of Glacier Bay.²⁶

These Canadian charts leave out any clear boundary mark. In 1895, the British Columbia Authorities "washed out" the Kotusk Mountains at the head of Taiya Inlet. This had no other purpose than to mislead.²⁷ In the map of 1897, the copper mines of Holkham Bay and the Treadwell gold mines of Douglas Island were drawn into Canadian territory.²⁸ Such charts were violently objected to by American authorities. Professor Davidson summed up the American attitude towards the maps of this area:

The charts having the most authority are those published by the Governments of Russia and Great Britain, through their Admiralty Offices; and the Hudson's Bay Company Map of 1857 presented to the Select Committee of Parliament by Sir George Simpson, Governor-in-Chief of the territories of that Company.

We contend that the terms of the Convention of 1825, and the Treaty of 1867, both founded upon the charts and narrative of Vancouver, are sufficient to lay down the limits of the lisiere; and that the French texts of the Convention and the Treaty are those that govern its location.

. . .

The only question of doubt is in the distance of the crete, crestline or water-parting of the

26 Davidson, The Alaskan Boundary, 171.

27 Ibid.

28 Ibid., 172.

mountains from the continental shore, and parallel to the sinuosities thereof; and for the solution of that condition, exhaustive surveys must be made for its demonstration.²⁹

The strength of the American position in the Alaskan Boundary Dispute may well be gauged from the arguments presented in this chapter. As far as the territorial possession was concerned, both Russian treaties of 1824 and 1825 clearly laid down general norms. The only doubt remaining was as to the position of the exact boundary line over areas which had not yet been faithfully surveyed.

The significance of the Dispute, however, went far beyond any geographical calculation. Great Britain was mothering Canada at a time when the Alaskan frontier was of the utmost importance to the Canadian people. John Hay, who was well aware of the part Britain was to play in the Dispute, portrayed it in rather descriptive phrase:

Lord Salisbury, in a private conversation the other day, compared her (Canada) to a coquettish girl with two suitors, playing off one against the other. I should think a closer analogy would be to call her a married flirt, ready to betray John Bull on any occasion, but holding him responsible for all her follies.³⁰

There were movements among Canadian Liberals to press for complete political independence from Great Britain but many

29 Ibid., 181.

30 John W. Foster Papers, Library of Congress. Hay to Foster. December 27, 1897.

Canadians still believed that Great Britain was their devoted protector. The majority were for awaiting an outcome on the Boundary question. Should Great Britain fail Canada, then drastic action would be imperative.

CHAPTER III

THE JOINT HIGH COMMISSION--AN INTERLUDE

Canada was now emerging from her "Great Depression" which had lasted from 1876 to 1896. The economic clouds began to lift when European demands for Canadian cereals were increased to a comfortable degree.¹ There was also a great deal of talk in the Canadian Parliament about Imperial preference. Imperial preference meant that the United Kingdom would show economic favor to members of her Empire, and that among her colonies, the oldest and most loyal would be given precedence. Such an undertaking, though it might have economic imprudences, was designed to appease the ever-growing colonies within the British Empire. Canada greatly needed economic preference at this period, immediately following her "Great Depression." This plan seemed potentially capable of cementing Canada and Great Britain into a stable union. It manifested an interest in Canada by the Empire which had been demanded by the Canadian people. Would Great Britain continue this benevolent policy and aid Canada in presenting a formidable block to the United States on the Alaskan Boundary issue? This question was yet to be answered.

¹ Charles C. Tansill, Canadian-American Relations, 1875-1911, New Haven, 1943, 170.

After much wrangling and delay, the three parties involved decided to elect a Joint High Commission for the purpose of settling several Canadian-American questions. The Commission met at Quebec, on August 23, 1898. The United States was represented by Senator Fairbanks of Indiana, who acted as American chairman, Senator Gray of Delaware, Representative Dingley of Maine, ex-Secretary of State Foster of Indiana, Reciprocity Commissioner Kasson of Iowa, and T. Jefferson Coolidge of Massachusetts. The British and Canadian viewpoints were represented by Baron Herschell, Lord High Chancellor of England, and Chairman of the Board, Sir Wilfrid Laurier, Premier of Canada, Sir Richard Cartwright, Canadian Minister of Trade and Commerce, Sir Louis Davies, Canadian Minister of Marine and Fisheries, and James T. Winter, Premier of Newfoundland.²

It was significant that Lord Herschell had been chosen as Chairman of the Canadian-British board for it was no secret that Lord Herschell felt strongly in favor of the Canadian claims. Secretary of State John Hay wrote to Mister Henry White, American Ambassador in London:

In the case of Alaska, it is hard to treat with patience the claim set up by Lord Herschell that virtually the whole coast belongs to England

² Balch, The Alaska Frontier, 162-163.

leaving us only a few jutting promontories without communication with each other. Without going into the historical or legal argument, as a mere matter of common sense it is impossible that any nation should ever have conceded, or any nation have accepted, the cession of such a ridiculous and preposterous boundary line. We are absolutely driven to the conclusion that Lord Herschell put forward a claim that he had no belief or confidence in, for a mere purpose of trading it off for something substantial. And yet, the slightest suggestion that his claim is unfounded throws him into a fury.³

The Canadians felt assured. Their faith in Great Britain was thoroughly justified. But Lord Herschell's was to be the last, violent pro-Canadian voice heard from Great Britain. White was aware of the flagmatic character of Lord Herschell.

Personal and Confidential.

I am somewhat exercised at the present condition of the American-Canadian Commission at Washington and think I had better write to you quite privately on the subject. I hear from two different sources, in the impartiality and fairmindedness of one of which I think you have confidence, and both of which are known to be accurately informed, that Lord Herschell, instead of being, as I think you and I certainly hoped he would be, the one to smooth down the asperities of the Canadians, "is by far the worst member of the Commission to deal with, raises more petty points and is harder than any of the Canadians to get along with" -- also that he is "technical, sharp, often violent, and shows the narrowest kind of a lawyer's attitude on everything."

I am not writing this by way of complaint, much less of diplomatic representation, but I know how anxious you are that the Commission should not end in smoke, and I feel that, as you are not likely to be in London for some little time, I had

3 Allan Nevins, Henry White, 189.

better write you to let you know exactly what I have heard. It only reached me after your last departure for the country before Xmas. Otherwise, I should have endeavoured to see you.

Possibly Lord Herschell may think that by this display of lawyer-like zeal at the meetings of the Commission he may be able to make a case. He may be able to persuade his colleagues to make concessions in private; but that course is certainly not having a good effect upon our Commissioners nor improving the chances of an agreement, which I cannot doubt that he wants to bring about for his own credit as well as for the furtherance of the present good understanding between the two countries.⁴

The Canadian proposal to elect a tribunal of three narrowly failed of acceptance.⁵ A counter-proposal for a tribunal of six -- half British and half American -- was unacceptable to Canada. Then the British proposed a compromise plan. A Commission of six would include two neutral members. This, however, was refused in Washington.⁶ It would be no exaggeration to say that the main problem confronting the representatives in Quebec was the proper manner of settling the dispute.⁷

At this time, the British were of the opinion that if they were to make concessions on the Isthmian Canal ques-

⁴ Henry White Papers, Library of Congress. White to Chamberlain. December 26, 1898.

⁵ G. P. deT. Glazebrook, A History of Canadian External Relations, London, 1950, 244-245.

⁶ Ibid.

⁷ Oscar Skelton, The Day of Sir Wilfrid Laurier, Toronto, 1920, 211.

tion, Washington should make concessions on the Alaskan Boundary.⁸ Great Britain was still showing the Canadian people that she would be prepared to make sacrifices for the gain of Canada. It deeply impressed the Canadian representatives. The British were for uniting the two questions and for settling them together. They may well have realized the weak position of Canada in the boundary dispute and concluded that their strongest approach would be to join it to the Isthmian Canal question. The reason alleged was that England could hardly agree to a canal which would double the strength of an American fleet at a time when trouble might develop over a boundary on the Pacific slope.⁹ Such a proposal did not elicit American approval.

The early weeks of 1899 found the Joint Commission deadlocked, with both sides indulging in bitter recriminations. The deadlock was brought about by a British proposal to arbitrate the land around the Lynn Canal.¹⁰ This the Americans flatly refused to do. This, together with Canadian insistence upon control over Pyramid Harbor, on Chilkat Inlet, convinced the American representatives that arbitration was futile. On February 20, 1899, the Commission ceased its labors.

8 Allan Nevins, Henry White, New York, 1930, 146.

9 Ibid.

10 Tansill, Canadian-American Relations, 180.

The American Commissioners had adamantly denied any similarity between the Alaskan boundary question and the Venezuela conflict.¹¹ They argued the Venezuelan question was much different in that the British had been occupying land in spite of the repeated and persistent protest of the Venezuelans.¹² This was far from the case in Alaska as was evidenced by Joseph Choate's letter to John Hay on November 1, 1899:

Private and Unofficial:

My dear Col. Hay,

I said goodbye to Lord Paunceforte yesterday, and heard from him though not officially that he had prepared an amendment to the draft arbitration agreement which Lord Salisbury and he and I concurred in last Summer and which the Canadians upset - had submitted the same to Lord Salisbury - who seemed to approve of it, and who a day or two ago sent it out to Canada to see if they would approve - I understood him that it would have the effect to secure actual American settlements to us in any event, without expressly naming them. If they should approve, which is not likely, we shall be apt to hear from the Foreign Office within a few weeks, but I assume that after our second experience with them in which they have compelled the Foreign Office to recede from what it was inclined to agree to, you will not be in a hurry - meantime I think it would be useful if you could ascertain from General Harrison his views as to the expediency of arbitrating the Alaska Boundary question.

11 Balch, The Alaska Boundary, 167.

12 Tyler Dennet, John Hay, New York, 1933, 228.

His recent experiences at Paris had led him to a very emphatic opinion that any form of Arbitration Agreement that in which the Board was constituted as the Venezuelan was, would necessarily result in a compromise instead of an actual judicial determination of the Treaty line. I think he would gladly come to Washington and give you the result of his observations and experience.¹³

The only question to be settled, as far as the Americans were concerned, was what crest of mountains was to be followed, and, where such a crest did not exist, where was the line to be drawn giving the Americans their ten league lisiere.¹⁴ The British had already manifested their opinion on the lisiere in August, 1898, when, for the first time, they formally claimed the upper part of most, or all, of the fiords between Portland Canal and Mount Saint Elias.¹⁵ Such a claim seemed preposterous to the American Commissioners.

The British went thus far in supporting Canadian demands and the question of British trust was put aside for the time being. But immediately, before the Joint High Commission was to be disbanded, a new and unpleasant British persuasion was to rear its ugly head before the Canadian onlookers.

¹³ Joseph H. Choate Letter Book No. 1, Library of Congress, 1899.

¹⁴ Ibid.

¹⁵ Balch, The Alaska Frontier, 9.

The Clayton-Bulwer Treaty gave British joint rights with the United States in any Isthmian undertaking. The United States strongly desired a revision of this treaty. It immediately suggested itself to Canadian statesmen to barter concessions in Central America for concessions in Alaska.¹⁶ Here was an outstanding opportunity to test the value of imperial connection with Great Britain. In February, 1899, Great Britain agreed and suggested to the United States that all other questions could be settled to the acknowledged advantage of the United States if concessions would be granted in Alaska. The American Ambassador in London, Henry White, under direction of Secretary of State, John Hay, refused and objected to the idea of having a "referee" to insure certainty and finality.¹⁷ After White had emphatically objected to this plan before Lord Salisbury, he suggested the canal question be kept distinct from that of Alaska. Salisbury answered:

Well, there would be this advantage in dealing with the canal question alone, that we should have only one antagonist, whereas in respect to Alaska there would be two -- yourselves and Canada.¹⁸

Salisbury had revealed to the United States how weak Great Britain considered the Canadian position on the Alaskan boundary dispute, and hinted that they considered the Canadian pressure as antagonistic. This was a vastly different attitude

16 Skelton, Life and Letters of Laurier, II, 139.

17 Allan Nevins, Henry White, 190.

18 Ibid., 158.

than that displayed by Lord Herschell. Such an evaluation of Canada took on significance when one remembers that in 1895 Lord Pauncefote proposed that the "regular channels" of diplomatic negotiations should be disregarded and that Canada should arrange directly with the United States on various regulations for navigation on the Great Lakes.¹⁹ The same insinuation was revealed in a letter of John Hay to Choate on November 13, 1899:

Personal and Confidential

Department of State
Washington

. . . .

Lord Pauncefote has arrived, apparently very well and happy, and sanguine, as he always is, of the speedy settlement of all our troubles. You can form out of the two instructions which have been sent you on the subject of the alleged British protests against our occupation of Alaska, a note which, I think, ought to be a satisfactory answer to what the Foreign Office has put forward on that subject. But we seem to be in an impasse. No amount of argument or demonstration will now convince either side. I have heard of Lord Pauncefote saying since he arrived that he and I could settle the matter in an hour. I think this is entirely true if we lived in an atmosphere of pure reason, but this is far from being the case. Lord Pauncefote has Canada behind him, which he cannot convince, and behind us is the Senate, thirty-one members of which can oppose a categorical veto to anything the Executive may be determined upon. I have my doubts whether even our modus vivendi, in which we gained virtually everything, would pass the Senate if it required their sanction. The narrowness and prejudice of the men from the northwest is beyond any idea I had ever formed, though I have had occasion to

¹⁹ Alfred L. P. Dennis, Adventures in American Diplomacy, New York, 1928, 134.

know them pretty well. I do not mean that I entirely despair of coming to any arrangement but the difficulties in the way are certainly very great.

November 13, 1899.²⁰

This prejudice of the Senators from the northwest had shocked American Secretary Olney. It had grave overtones for Canadians.

Canada was anxiously awaiting developments on the Isthmian question. This would be a final test of British faithfulness. Great Britain was aware of the importance Canada attached to the Alaskan dispute. It seemed obvious to Canadian mentality that her Imperial connections would necessitate Britain's hard bargaining in Central America to ready the United States for Alaskan concessions.

On February 5, 1900, Hay signed the first Hay-Pauncefote Treaty.²¹ The Senate drew up its amendments. On November 18, 1901, the second Hay-Pauncefote Treaty was approved which made it possible for the United States to fortify the Panama Canal, once it was built.²² The United States won all her major concessions from Great Britain, and it was so thoroughly an American victory that it constituted an Anglo-American rapprochement.²³ It was the fulfillment of the

²⁰ Joseph H. Choate Manuscripts. Library of Congress. Page 3 of John Hay to Choate, November 13, 1899.

²¹ Tansill, Canadian-American Relations, 216.

²² Ibid., 220-222.

²³ Nevins, Henry White, 186.

worst Canadian expectations.

Britains's failure to pursue concessions in Central America in lieu of the Alaskan question was thought by some Canadians to be due to Laurier's Government, and in the Canadian House, on March 1902, Mr. Robert Borden and Mr. W. F. Maclean strongly attacked Laurier.²⁴ Other Canadians believed that Imperial protection was more a detriment to Canadian fortunes than a safeguard. But for all, the Hay-Pauncefote Treaty taught a lesson in Imperial allegiance.

As a member of the British Empire, Canada felt assured that Great Britain would defend her advantages; but it was soon to be impressed on Canadians that Great Britain was bound not only to Canada but to every member of the Empire, and most especially the Empire itself. Hence, it was conceivable that at times an individual member of the Empire itself. Hence, it was conceivable that at times an individual member of the Empire might be asked to undergo sacrifices for the good of the whole. This was the case in the Hay-Pauncefote Treaty.

Britain was fighting a Boer War, and German ascendancy in Europe was now rapidly approaching reality. It was of the utmost importance to Great Britain that American friendship be won and solidified. Diplomatic connections with the

²⁴ Skelton, Life and Letters of Laurier, II, 140.

United States seemed of most advantage to the Empire, even if Canadian preference must be sacrificed. It was a lesson bitterly learned. All the members of the British Empire would now realize that the extent of Imperial control widened the interests and dangers of every member of that Empire. Canada could not be considered isolated from the Union of South Africa, nor Australia, nor the United Kingdom. This Imperial connection created a hierarchy of values and a subordination of local interests to the wider concern. How could Canada expect Great Britain to offend the United States when German Armies were once again drilling to Prussian music, and a rugged Boer Army was sapping her colonial strength? If the Canadians failed to understand this Imperial hierarchy of values, there would be only one logical course open -- to sever herself from the Empire.

A bit south of the Canadian border, at the Buffalo Exposition, an event of tremendous import had taken place. President McKinley was assassinated and the way was left clear for a dynamic Theodore Roosevelt to assume the Presidency. Here was the President who spoke softly but carried a big stick. He was not the man to appreciate any loose verbiage on a subtle boundary point. Roosevelt was soon to bring his fiery personality into the boundary dispute. He manifested his strong convictions in equally strong language

in a letter to John Hay:

I return Mr. White's letter which I have read with great interest. Perhaps it would be as well for me to recapitulate my view of the Alaska boundary case, inasmuch as some of our representatives might like to know what with my present knowledge is my view of the matter.

In the Cabinet room there stands a globe made in London by the map makers for the admiralty. On this the boundary in question is given as it is one of the British admiralty charts of the same period, this boundary being precisely that now claimed by us, which was also the boundary claimed or conceded by both the British and Canadian authorities until the last few years. The terms of the original treaty seemed to me to be well-nigh impossible of any construction other than that which the Russians and we ourselves have always put upon them, save only as regards the southern most portion of the boundary. As regards this portion of the boundary there is an evident ambiguity, one well-known channel being named while the rest of the description, including the fixing the latitude and longitude and an allusion to a certain island, being seemingly incompatible with the same well-known channel being the one actually meant. If the treaty were now to be construed for the first time, while in my judgment there could be no possible question as to most of the boundary, and while in my judgment we could not be warranted in claiming less or submitting to an award of less than all contained within the boundary as defined in the British Admiralty Charts, for 1884, save along the southernmost boundary; yet there would be room for an honest difference of opinion about this southernmost portion but even this doubt must necessarily vanish in view of the construction put upon the terms of the treaty for over three-quarters of a century both by the Russians, by us as their successors, and by the British and Canadians alike until within the last few years. The Russian maps and our own maps have always presented the boundary according to our present contention. Almost without exception the English maps, official and unofficial, have adopted the same construction, and until some fifteen years ago this was likewise true of the Canadian maps, including the Great Canadian map which at one time hung in the Parliament House at Ottawa. When Sir

George Simpson presented his official map to show the lease by the British Fur Company of the strip of then Russian territory in question, he colored this leased strip differently from that of the British-American territory, and his map is conclusive proof that at that time, as for a generation before and a generation afterwards, the Canadian view of the boundary was precisely the view we now take.

In my judgment it is not possible to compromise such claim. I think that the Canadian contention is an outrage pure and simple. I do not regard the Canadians as having any more right to the land in question than they have to Maine or then we have to New Brunswick. The fact that they have set up such an outrageous and indefensible claim and in consequence are likely to be in hot water with their constituents when they back down, does not seem to me to give us any excuse for paying them in money or in territory. To pay them anything where they are entitled to nothing would in a case like this come dangerously near blackmail. I could not submit to any arbitration in the matter. I will be entirely willing to appoint three Commissioners on our side to meet three Commissioners on theirs, and try to fix the line, but I should definitely instruct our three Commissioners that they were not to yield any territory, but were as a matter of course to insist upon our entire claim; their functions being merely to decide the particular line of limitation which this claim would imply.²⁵

This was the man Canada must face on the Alaskan question, and only the most formidable array could dissuade him. It was at this crucial point that Great Britain, swayed by the exigencies of Imperial defense, apparently lost any strong conviction on the Boundary question. Canada would have to do it alone. The future was uncertain.

²⁵ Roosevelt Papers. Library of Congress.
Roosevelt to John Hay. July 10, 1902.

CHAPTER IV

JUDICIAL SETTLEMENT

After much postponement by both sides, an arbitration treaty was signed on January 24, 1903. It was agreed that there should be three members representing each side, i.e., the American and Canadian.¹ The tribunal was regarded as being a judicial body with the power to interpret the treaty, not a conference of diplomats to strike a bargain.² Shortly after the signing of the treaty, and prior to the award, Sir Wilfrid Laurier expressed the original Canadian understanding of the arrangement as follows:

It is not a compromise, it is not an arbitration; there is no giving and no taking; but it is simply to have a judicial interpretation of what is the true boundary; each party agreeing in advance to accept the boundary as it may be declared and whatever loss it may give to the other.³

Since the key idea was that it was to be a judiciary settlement, it might be expected that judges or men versed in the legal aspects of the case would be appointed to the board. Canada anxiously awaited the American appointments.

1 Dennet, John Hay, 229.

2 Skelton, Life and Letters of Laurier, II, 143.

3 Alexander Gordon Dewey, The Dominions and Diplomacy, the Canadian Contribution, New York, 1929, I, 205-206.

On February 13, 1903 unofficially, and on March 6 officially, the American representatives were announced. They were Senator Henry Cabot Lodge of Massachusetts, Secretary of State Elihu Root, and Senator Turner of the State of Washington.⁴ John Hay expressed his evaluation of the tribunal appointments in a letter to White:

Absolutely confidential.

My dear Harry:-

I have received your letter of the 1st of April and can well appreciate the objections that our friends in London make to the composition of the tribunal, but the President thought it was impossible to get the treaty through the Senate without the earnest and devoted assistance of Lodge and Turner and of the groups which they represented.

I do not see how anybody could make any objection to Root. He is at the head of the Bar of New York, and it is hardly too much to say he is the first lawyer in America now that Mr. Choate is out of the country. His being a statesman as well, I should say does not disqualify him for a place on any tribunal of sufficient importance to claim his services. Of course, the presence of Lodge on the tribunal is, from many points of view, regrettable, and, as if the devil were inspiring him, he took occasion last week to make a speech in Boston, one-half of it filled with abuse of the Canadians, and the other half of it filled with attacks on the State Department. He is a clever man and a man of a great deal of force in the Senate, but the infirmity of his mind and character is that he never sees but one subject at a time, and just at present it is the acceptability of his son-in-law to the voters of Gloucester. Of course, you know his very intimate relations with the President, which make it almost impossible that the President should deny him anything he has to give him, and he insisted upon this appointment of the tribunal.

⁴ Ibid., 204-205.

I note what you say about Mr. Choate's declining to present our case before the tribunal. It would take a long time to go into that discussion, which is now ancient history; but, it is no use talking about it, it is a disappointment which I shall never get over. He was the one man best suited of all men in the United States to argue the name of Senator Spooner as his replacement. The President, adopting his suggestion, used his utmost effort to get Spooner to take it. He refused, naturally enough, because, as he was a Senator, we were unable to pay him a fee. Foraker, who was busy with his own affairs, declined for the same reason. He then consulted the Judges of the Supreme Court as to their opinion derived from observation of the lawyers who passed before them in important cases in the Supreme Court, and they suggested Watson and Dickinson, who, when the matter was put before them, consented, though at a considerable pecuniary sacrifice, to undertake the case. Now, if you will imagine the difference between their presentation of the matter and that which Mr. Choate would have made, you can get some measure of the extent of my disappointment.

I cannot understand what you and Mr. Choate mean when you talk about the probability of the British Government objecting to Mr. Choate's undertaking the case. He certainly would be required to say nothing more than he has already said to Lord Lansdowne; in fact our argument must be - cannot be anything else than - a recapitulation of the masterly and unanswerable argument, which Mr. Choate made two years ago. A mere legal argument is not what is required in this unprecedented case. A sharp, aggressive lawyer, will run great risk of getting Lord Alverstone's back up. Mr. Choate would have made an argument faultless in tone, temper, skill and knowledge of human nature. But, here I am discussing the matter when I said I would not. I am very grateful to Mr. Choate for all the assistance he has been giving Mr. Foster, and for that which I know he will give our counsel when they get to London.

Before I drop the subject, I must say that we had an equal disappointment in the refusal of the Judges of the Supreme Court to serve on the tribunal. It was only after they had positively declined on grounds of etiquette and official dignity that the President invited Turner to act. The objections to Turner seem to me unreasonable. He stands at the head

of the Bar of the Northwest, he is not now a member of the Senate, and he will have great weight in causing his judgment to be accepted by the people of the West. To say that our members of the tribunal have an opinion on the subject is simply to say they are American citizens. There is not a man in the United States out of an idiot asylum, who has not an opinion on the subject. I believe in my heart of hearts that there is not an intelligent Englishman who does not know they have no case. Sir Wilfrid Laurier sent me a private messenger the other day to protest against the appointment of Lodge and Turner, and in the course of the conversation his emissary said to me: "Sir Wilfrid knows, and all of us know, that we have no case." The whole machinery of the tribunal is got up with the expectation on our part that the British Government would see in it the means of receding from an absolutely untenable position, by appointing on the tribunal a man of open mind, who would see the case as we shall present it and vote with our members.

I am greatly distressed about the Rome business, but I see no way of helping. The only thing to do would be for the President to intimate to Meyer that he had stayed long enough, as he certainly has, but he would hesitate to do this in the interest of Lodge, who wants Meyer to stay out of the country. To show the difference between a man of sense and a man who has none, look at Meyer, who has lost all his chances of political advancement in Massachusetts by hanging on to a place where he is not welcome, and Myron Herrick, who, by declining it when it was freely offered to him, stands in a fair way to be Governor of Ohio, and larger things hereafter.

Of course, if you think best to go to India, it will be with my full approval. You can arrange it with Mr. Choate in any way that seems agreeable to you. I shall be sorry to miss your visit this year, but I agree with you that it might be better for you to go to the East for the time being.

We are all pretty well. The whole family is gathered together under my roof. The grandchild is a wellspring of pleasure. Clarence is glad of an idle week. Alice leaves us in a few days to take up the burden of life on her Genesee farm.

Mrs. Hay joins me in kindest regards, and I
am always

Sincerely yours,

John Hay.⁵

It would have been difficult to choose a group more unpopular in Canada. The Canadians were astonished by the choice of such outspoken and vigorous champions of the American claims in Alaska. Senator Turner was from the state which had been mainly instrumental in forcing the Senate to take action on the boundary dispute. For the State of Washington, the boundary dispute was a local terror. Certainly they could not expect an unbiased hearing from Turner. Senator Lodge of Massachusetts was even more hostile to the Canadian claims. More than once he expressed his disgust at the "manufactured" case of Canadian representatives. And his antagonism towards Great Britain was even more pronounced. He had expressed his method of dealing with Great Britain in a letter to Henry White in 1897:

A good many Americans believed, like President Polk, when the Oregon question was pending in the 'forties, that John Bull had to be faced belligerently . . . but we can never get anything from England, not even attention, unless we are rough. She has only herself to thank for our tone.⁶

⁵ Henry White Papers. Library of Congress. Hay to White - April 10, 1903.

⁶ As quoted by Nevins, Henry White, 187.

Coming from a New England state, close to the Canadian border, did not tend to make Lodge sympathetic towards the Canadian aspirations from Alaska. He too could hardly be expected to render a cool and unprejudiced verdict. Elihu Root had been directing the policies of the State Department and the American insistence on all her rights in Alaska, free of any concessions, was attributed to him. He, more than any other, would be championing the American cause. The three American delegates were appointed by Theodore Roosevelt who, on July 16, 1902, was to send troops into Alaska as a definite warning to Canada and Great Britain that the United States did not intend to lose more time on the boundary question.⁷ In a letter to John Hay, Roosevelt stated:

I am perfectly willing to have Choate talk with Lansdowne again. But really it is difficult for me to make up my mind to any kind of an arbitration in the matter. I will appoint three commissioners to meet three of their commissioners, if they so desire, but I think I shall instruct our three commissioners when appointed that they are in no case to yield any of our claim. I appreciate the bother of the matter and even the possibility of trouble, although I think if we put a sufficient number of troops up there the miners will be kept in check. As you know, Root has been quietly strengthening the garrisons, although I think we should still have some additional men. It seems to me that the Canadians have no right to make a claim based upon the possible effect of their wrong doing. In a spirit of bumptious truculence which for years England has resisted, but to

7 Tansill, Canadian-American Relations, 226.

which she has now come, at bottom with much reluctance, the Canadians put in this wholly false claim. They now say that as they have got the false claim in, trouble may come if it is not acted on. I feel a great deal like telling them that if trouble comes it will be purely because of their own fault, and although it would not be pleasant for us it would be death for them.⁸

This was the group rendering an impartial judgment. When Turner, Root and Lodge were selected as the three American "impartial jurists," the Brooklyn Eagle remarked that the chance of Canadian success before this tribunal was about equal to the chance of a "thaw in Hades."⁹

Canadian pressure mounted. The selection of these three "jurists" manifested open American belligerency; it gave the impression of bad faith. The Canadians believed that they had acted in full accord with the demands of the tribunal treaty by selecting Sir Louis Jette, an ex-Judge and later to be appointed Chief Justice, and Mister Aylesworth, later Canadian Minister of Justice, men eminently capable of rendering a legal decision.¹⁰ Great Britain had appointed Lord Alverstone, Lord Chief Justice of the United Kingdom, who was probably the foremost British jurist of his day. But to pit these legal minds against three biased and prejudiced exponents of American Firstism seemed foolish.

⁸ Roosevelt Papers. Library of Congress. Roosevelt to Hay - July 16, 1902.

⁹ As quoted by Nevins, Henry White, 194.

¹⁰ Dewey, Dominions and Diplomacy, I, 204-205, footnote.

When Canada asked England if they should withdraw from the tribunal, England admitted the situation was "awkward" but that nothing could be done. Without waiting for a definite reply from Canada, England formally ratified the treaty for the British Government felt it was forced to do so even before Canadian acceptance.¹¹ The announcement was in the Speech from the Throne, February 17,¹² a day before the Colonial Office had gone through the form of asking if the Canadian Government had any opinion to offer. Canada hesitated while an attempt to get the President to appoint three Supreme Court Justices to the tribunal committee was under consideration.¹³ The President had deferred on the grounds that it would be incompatible with their position to sit on a diplomatic and political tribunal. Once again Imperial connection had placed Canada in an "awkward" position.

It had been ordinary procedure that Canada's political relations with foreign powers were conducted through diplomatic channels controlled by the British Foreign Office. The Canadian Government was consulted; and in some cases a Canadian representative was informally employed as the real negotiator.¹⁴ But such disregard for Canadian opinion in

11 Skelton, Life and Letters of Laurier, II, 144.

12 Ibid., 145.

13 Ibid.

14 Percy Ellwood Corbett and Herbert Arthur Smith, Canada and World Politics, London, 1925, 63.

the treaty ratification seemed a direct reversal of the procedure heretofore in vogue, viz., to grant Canada more and more responsibility for her own affairs. It was becoming clear that Great Britain was eager to please the United States, and that Canada was assuming the role of political pawn. Such a conviction was not universal among the Canadian people, but many liberal politicians began to doubt, all over again, the wisdom of Imperial connection. Certainly, in the case of the treaty ratification, Canada had been forced into a regrettable position. It could not be denied that, were Canada free of this "Imperial connection," she could have refused the treaty and offered a compromise measure. Its success would have been doubtful, but at least Canada would be acting according to what appeared to her as the best course of action. Canada stiffened for a vigorous tribunal settlement but the dye had been cast.

The arbitral tribunal met in London, September 3, 1903.¹⁵ The three American "jurists" were assisted by the Honorable John W. Foster, as United States Agent, and Messrs. Dickinson, Taylor, Watson and Anderson as counsel. Mr. Clifford Sifton acted as British Agent, assisted by Messrs. Joseph Pope, W. F. King, and Edward Blake (later Sir Edward Carson), with Sir R. B. Finlay, S. A. Rowlatt, and John A. Simon of the

¹⁵ Tansill, Canadian-American Relations, 247.

English bar. Canadian counsel was given by Christopher Robinson, F. C. Wade, Aime Geoffrion and L. P. Duff.¹⁶

The outline of both the history of the boundary question and the main arguments involved in the precise understanding of the Russian Treaties of 1824 and 1825, as presented in the first two chapters of this thesis, were forcefully presented by the American representatives. The Canadians recounted by demanding specific boundary qualifications. The discussion soon centered around Portland Channel where there were four islands. The United States claimed that the Canal which Vancouver had charted was that body of water to the south of all four islands and would therefore be part of Alaska.¹⁷ Canada claimed the Canal ran north of all four islands. On October 12, Lord Alverstone, the British Chief Justice, read a statement upholding the Canadian claim. Then a disturbing event occurred when Lord Alverstone was asked to sit in on a discussion with Secretary Root and Senator Lodge. They had several conferences. Finally the issue of Portland Canal came to a vote. Alverstone, as Chairman of the tribunal, instead of asking if the islands were north or south of the Canal, asked whether the Canal ran north or south of Pearse and Wales Islands. All six members of the tribunal answered

16 Skelton, Life and Letters of Laurier, II, 148.

17 Ibid., 151-152.

north. When he asked whether it ran north or south of Sitklan and Konnaghunut, by a vote of four to two, the answer was south.¹⁸ Why did Alverstone ask such a question if it was not to side with the Americans? The Canadians objected vehemently.

Just two months before, in August, the British were informed of President Roosevelt's determination to effect a speedy and successful conclusion to the boundary question. Roosevelt had written Hay in July, 1903, that if England would not come to a speedy adjudication ". . . nothing will be left the United States but to act in a way which will necessarily wound British pride."¹⁹ Roosevelt also wrote Lodge that if the British resorted to unfair delays, he would imitate Cleveland in the Venezuela affair.

. . . the thing to do is to declare the negotiations off, recite our case in the message to Congress, and ask for an appropriation to run the boundary as we deem it should be run.²⁰

In a letter to Henry White, Roosevelt stated:

Many thanks for your very interesting letter. I was particularly delighted with what you say about the Alaska business. I most earnestly hope that your forecast is true. The Canadians have had some very ugly articles published, which I was afraid might influence English opinion. This would be unfortunate. It would be a bad thing for us if there was a

18 Ibid.

19 Nevins, Henry White, 196-197.

20 Dennis, Adventures in American Diplomacy, 145.

deadlock in the present Commission; but it would be a very much worse thing for the Canadians and English, because it would leave me no alternative but to declare as courteously, but as strongly, as possible that the effort to reach an agreement having failed, I should be obliged to treat the territory as ours, as being for the most part in our possession as soon as in our judgment it was advisable --- and to declare furthermore that no additional negotiations of any kind would be entered into I was greatly interested in Balfour's masterly pamphlet; it is a noteworthy article.²¹

It was not a pleasant task for White, in the role of Ambassador, to present such vigorous demands to the British. White felt diplomacy should be handled without the levelling of canon. But Roosevelt insisted that the British know his feelings in the matter. When Alverstone began to vote with the American representatives, the Canadians could not help but feel he was acting under pressure from the Foreign Office. One of the members of the Canadian delegation wrote Sir Wilfrid Laurier on October 8, and warned him of the growing possibility of a complete American victory:

I think that Chief Justice intends joining Americans deciding in such a way as to defeat us on every point. We all think that Chief Justice's intentions are unjustifiable and due to predetermination to avoid trouble with United States. Jette and Aylesworth are much exasperated and considering withdrawing from the Commission.²²

21 Roosevelt Papers. Library of Congress. Roosevelt to Henry White, Oyster Bay, September 26, 1903.

22 As quoted by Skelton, Life and Letters of Laurier, II, 149.

Sir Wilfrid replied:

Our Commissioners must not withdraw. If they cannot get our full rights let them put up fight for our contention on Portland Canal which is beyond doubt: that point must be decided in Canada's favour. If we are thrown over by Chief Justice, he will give the last blow to British diplomacy in Canada. He should be plainly told this by our Commissioners.²³

Laurier himself had issued an ultimatum to the British Chief Justice, and in so doing had alerted all of Canada to the tremendous significance of the Alaskan Boundary Tribunal. If Canada lost her contentions because of British maneuvering, Canada would make this the last British diplomatic block to Canadian integrity. The final results were awaited with baited breath.

Hay reported that:

. . . In spite of the pessimistic prophecies we have heard in such plenty, the Tribunal is in session at the time appointed with a fair prospect of getting through its work with reasonable dispatch. As to the result, we can only hope --- the time is too short for convenient prophecy. For my part I cannot see how a man of Lord Alverstone's ability and clearness of vision can avoid giving a verdict in our favor. I see the Canadians are clamoring that he shall decide, not according to the facts, "but in view of the imperial interests involved." Even in that view he should decide in our favor. For this is the last time we shall admit this question to any form of judicature. The land in question is ours. It was held by Russia in accordance with the treaty from 1825 to 1867, and has been held by us ever since. We shall never think of giving it up. No Administration could abandon it and live a minute. If this

Tribunal breaks up without deciding the question, we shall stand on our presentation of the case, and resist any attempt to take territory from us.

We have never had the slightest doubt of our right. The President, at my earnest persuasion, consented to this Tribunal because I felt sure we could convince any great English lawyer, that our contention was just. He was not so sanguine, but agreed to try the experiment, to enable the British Government to get out of an absolutely untenable position, with dignity and honor. If the Tribunal should disagree, he will feel he had done his utmost, and will make no further effort to settle the controversy. He will hold the territory, as we have held it since 1867, and will emphasize the assertion of our sovereignty, in a way which cannot but be disagreeable to Canadian amour-propre. And all the labor of the last few years, to bring about a closer friendship between the two governments will have gone for nothing.

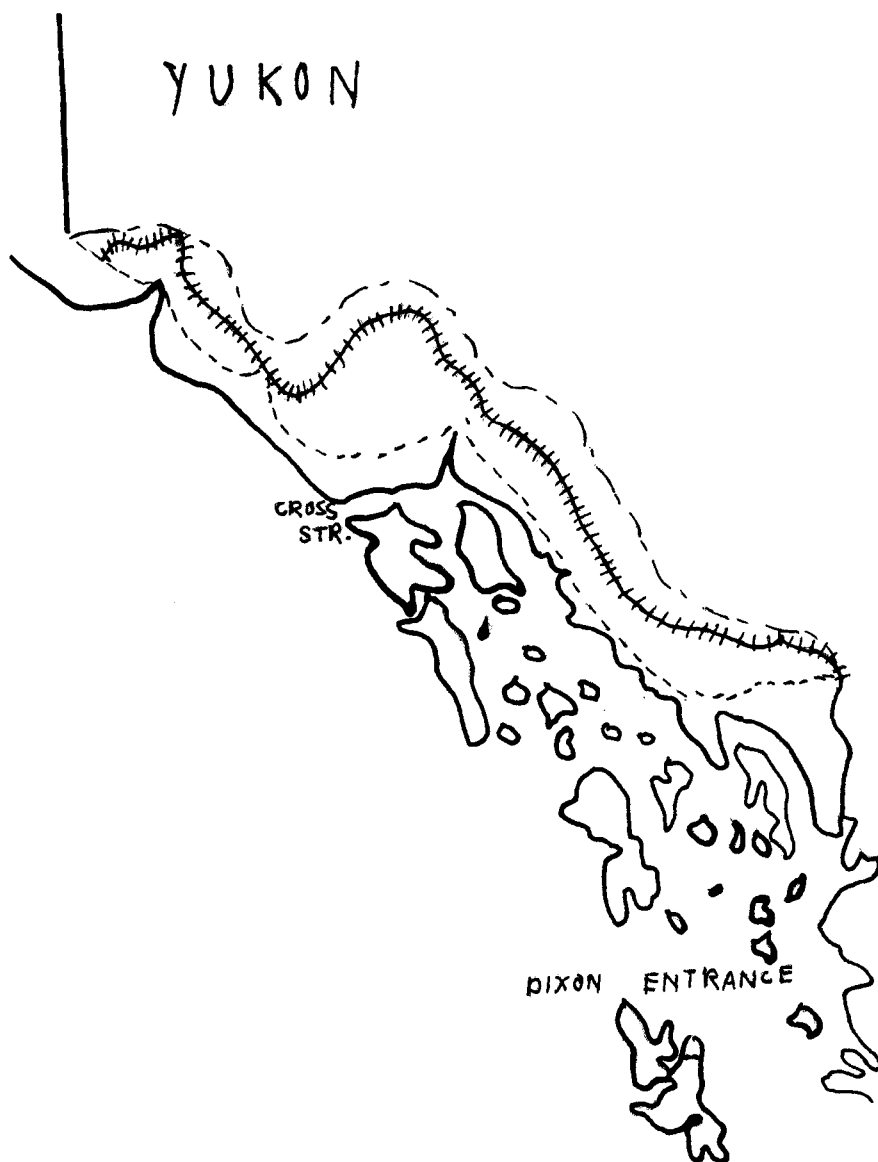
And this, after I have heard from Laurier, and Pauncefoot, directly that they know they have no case. I will not believe it till the verdict is in.²⁴

Finally on October 20, 1903, the tribunal decided in favor of the American claims. It was a complete American triumph and the deciding vote was that of the British Chief Justice, Lord Alverstone. The Canadian representatives refused to sign it.

The storm of protest that followed in Canada was "vigorous, widespread, and sustained beyond anything in the country's annals."²⁵ The Canadian press thundered that once again Canada had been offered as a sacrifice on the altar

²⁴ Henry White Papers. Library of Congress.
Hay to White - September 20, 1903.

²⁵ Ibid., 153.



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of Anglo-American friendship.²⁶ So vigorously did Canadians disapprove of Great Britain's role in the tribunal that anti-American feeling was almost forgotten.²⁷

President Roosevelt added to the Canadian grievance by publicly proclaiming the tribunal decision to be the "greatest diplomatic victory of our time."²⁸ Such a modest boast could not but add fuel to the fire.

26 Ibid.

27 Ibid., 215.

28 Ibid., 153.

CHAPTER V

CANADIAN EMERGENCE

The news of the tribunal decision was spread by headlines and articles in both Canadian and British newspapers. The immediate reactions to the final decision were varied and adverse. It will be interesting to follow these reactions in the news reports of the time since they present an accurate index of the various sentiments.

A Canadian newspaper, The World, issued a formal warning to Canadians not to follow the tribunal's decision. It voiced the sentiment of many Canadians who, while their logic impressed upon them the importance of complete political freedom, thought that hasty action might be fraught with danger.

"This is not the first time that British diplomacy has proved costly to Canada. However, she accepted a loaded tribunal and it is her duty to submit, and it is not advisable to follow up the conclusions of the award."¹

British newspapermen hurriedly sought to offset the rebellious remarks of many Canadian statesmen. The London Times correspondent in Ottawa reported:

Mr. McMullin's statement in the Senate to-day that the discontent in Canada was comparable with

1 as quoted by London Times, October 20, 1903, 3.

the agitation in the Transvaal and Ireland must not be taken as literally meant.²

The Times correspondent in Winnipeg, on October 22, reported what he felt was the reaction in that section of Canada.

The opinions expressed in all parts of Western Canada indicate strong resentment at the decision of Alaska Arbitration Tribunal. The feeling here is that official Britain cares more for the friendship of the United States than for the whole Dominion. Press comment is generally bitter.³

In the London Times reports of their correspondents from the various sections of Canada, one will notice a divergence.

From Ottawa:

The dominant feeling may be summed up thus: "We have been beaten and must accept the verdict like sensible people." This I find to be prevailing sentiment.⁴

From Montreal, quoting various Canadian papers:

The Herald and Witness accept the judgment as having been dictated by political motives and not from judicial considerations, the Witness remarking that what gives an added twinge to the surrender is the fact that The United States has not, and never had, any appreciable interest in the disputed territory, except in its power to annoy and disable Canada.⁵

The Presse concludes its article on the award by remarking that, although it seems that Canada's interests have been abandoned Canadians will con-

2 London Times, October 23, 1903, 3.

3 Ibid.

4 London Times, October 21, 1903, 5.

5 Ibid.

tinue to represent, with as much dignity as they can muster, and with all good will and loyalty, the interests of the Empire on the North American Continent.⁶

The New York Times reported the typical American reaction.

By the President and Cabinet the result is regarded as far and away the greatest diplomatic success the United States has had for a generation.⁷

The Associated Press of New York quoted one of the Canadian Commissioners:

This award affects much more the relations between the Dominion and the mother country than people here seem to realize and almost marks the parting of the ways, at least so far as leaving any such question for England to decide for us.⁸

This latter opinion proved to be the dominating one. At the time the decision was rendered, a general surge of indignation spread through the Dominion. All felt that Canada had been ignored, if not openly betrayed. What to do was another question. Some were for preserving Imperial contact at all costs. Others moved for a final severing of ties with the mother country. Those thoughtful Canadians who were reading between the lines and prophesying the course of history felt that some understanding with Great Britain on

6 Ibid.

7 New York Times, October 21, 1903, 9.

8 Ibid.

Canadian foreign relations would have to be reached. More autonomy for the Canadian Government seemed to be the only solution.

When Mister Aylesworth returned to the Dominion, he realized that if he were to hint at vigorous counter-action, the results would be profound and far-reaching. He decided against any agitation. At a banquet in Toronto, early in November, he spoke of the pride and pleasure Canadians should have in their British allegiance.⁹ Civis Romanus sum was now bettered by Macdonald's "British subjects we were born, British subjects we will die." Nevertheless, the Toronto Globe commented the day following on Aylesworth's speech:

Had he told the whole story, such a fire would have been kindled as neither imperialistic exhortation nor trade preferences would soon put out. That Mr. Aylesworth understood is plainly the secret of his restraint and moderation.¹⁰

Criticism soon turned to the conduct of the British Chief Justice, Lord Alverstone. By protesting against his ballot, Canada was directly accusing the British Foreign Office, but so much antagonism was directed against Alverstone that Laurier wrote him requesting a clarification of his

9 Skelton, Letters and Life of Laurier, II, 154.

10 Ibid.

position. Alverstone replied:

I desire to state most emphatically that the decisions, whether they were right or wrong, were judicial and founded on no other considerations. I alone am responsible for them, and while I fully recognize your right to hold the opinion that they were wrong, and to express that opinion, you must forgive me pointing out that you are not entitled to suggest that I acted on other than judicial grounds, be the decisions right or wrong . . . I am clearly of the opinion that in determining judicially the questions submitted to the Tribunal . . . it was our duty to take into consideration the value and importance to the parties negotiating of all parts of the territory to which the Treaty applied.¹¹

It was the latter part of this statement that was confusing. What did Alverstone mean by the "value and importance to the parties negotiating"? Was he concerned with the value and importance of the history and argumentation of the boundary dispute itself, or did he refer to the importance the negotiators had themselves placed on the boundary issue? If it was the former, then the Americans seemed to have the stronger case. The first two chapters of this thesis, I believe, sufficiently reveal the strength and validity of the American claims. If the decision rendered was based on the true facts of history, it would seem justifiable to vote the American cause. Alverstone was a legal wizard, and he would quickly have seen the legality behind the American assertions. So

¹¹ Ibid., 157.

confident were the Americans of the judicial outcome of the tribunal that Henry White wrote:

Everything now depends on whether Lord Alverstone goes on the bench with an imperative mandate or not. If he goes there with an open mind, we consider our case won.¹²

The boundary question could be considered judicially in itself. If Alverstone had isolated himself from the significance which had been added to the Alaskan question, he might well have justified his vote on strict judicial grounds.

Or did he refer to the value and importance which the current events and the respective negotiators had placed on it? The growth of Continental enmity entailed by the Boer War, and the threat of German supremacy in Europe, forced Britain into a wary position. She could not risk forcing any issue to the exclusion of American friendship.¹³ It was because of this precarious and awkward position of the Foreign Office that led Canada to suspect the purity of Alverstone's decision.

Lord Alverstone was virtually prejudiced before the award was made. The Canadian Government strongly protested to London regarding the new aspect given to the situation by the proposed personnel of the tribunal, but without waiting for a settlement of this issue with the Dominion,

12 Allan Nevins, Henry White, 196.

13 Skelton, Life and Letters of Laurier, II, 140.

the Home Government exchanged formal ratification of the treaty with the United States.¹⁴

Why was Britain rushing the treaty through without the ordinary formal acceptance of the Dominion she was supposed to represent? Was this diplomatic hustling another form of strong pro-American policy? And did Alverstone fall in line with such a one-sided policy? These were the haunting doubts that Canadians could not escape. Such disturbing questions were answered by Clifford Sifton, the British agent for the settlement after his return when he commented that " . . . Lord Alverstone did not stand by the Canadian Commissioners."¹⁵ Because of Britain's ostentatious amity towards the United States, and because of statements like Sifton's, the Canadian people took for granted that Alverstone had submitted to the government's desire for peace at any price: the price being, as usual, the sacrifice of Canada.¹⁶

The obvious logic of Great Britain's actions was perceived by the Canadians. If Alverstone had supported the Canadian contention, the best that could have been hoped for was a deadlock. The United States carried on her diplomatic

¹⁴ Dewey, The Dominions and Diplomacy, the Canadian Contribution, I, 205.

¹⁵ Glazebrook, Canadian External Policy, 246.

¹⁶ Ibid., 247.

relations with a brusqueness that would be hard to match.¹⁷ Even the American Ambassador to London was annoyed by President Roosevelt's strong-arm tactics. It was clear that the United States was prepared to yield on no point whatever. The immediate result of a deadlock would have been a strong anti-English reaction in America. Troops had already been dispatched to Alaska and all the world knew it. If the Foreign Office were to add the United States to her already agitated and numerous foes, it might prove a critical time for the Empire. A deadlock in the Tribunal, then, would have done positive harm to the future of the British Empire. The merits of such a deadlock would have been trifling in comparison. Canadian resentment would have continued, and trouble over the boundary line might prove disastrous to the union between Canada and the United Kingdom, if England refused to corroborate any Canadian action against the United States. The conclusion seemed to call for a decision in favor of the United States.¹⁸ It has been summed up thus:

. . . only to encounter in the manner of the boundary award of 1903 an outrageous, unnecessary, and successful piece of bullying at the

17 Nevins, Henry White, 186.

18 Glazebrook, Canadian External Relations, 248.

hands of Theodore Roosevelt with which Great Britain found it polite to connive.¹⁹

For those who still hesitated to so interpret the decision of the British Chief Justice, there were the preliminary failures that lead to the final tribunal meeting. They had yet to be explained.

. . . the significant features are the failure of the Joint High Commission (representing Canadian efforts at settlement), the surrender of a possible opportunity of securing compensation on the abrogation of the Clayton-Bulwer Treaty, the immobility of the United States regarding their contentions, the eventual resolution of the deadlock through the acceptance by the British and Canadian governments of the American proposal, on the distinct understanding that the tribunal and settlement should be judicial in nature, and finally, the ratification of the treaty without waiting for a definite decision on the part of Canada.²⁰

After weighing all these considerations, Canada felt that the "value and importance" to which Alverstone referred was the value and importance of the boundary question to the fortunes of the British Empire.

This conclusion was reached by all factions in Canada. The French-Catholic element had often opposed British allegiance and had differed with its English-Protestant partner on many issues political and religious, but the Alaskan Boundary Award of 1903 found both French-Canadians

19 George W. Brown, ed., Canada, London, 1950, 505.

20 Dewey, The Dominions and Diplomacy, the Canadian Contribution, I, 205.

and British-Canadians allied. To their surprise, they found themselves possessed of common sentiments, each discovering a measure of Canadianism in common antipathy to both England and the United States.²¹ And there is no stronger bond than that of old enemies.

Such were the immediate effects of the Alaskan Boundary Dispute. The general sentiment in Canada in 1903 was that she had been used as a pawn to foster Anglo-American friendship. What Canada objected to was her being used as a "pawn". It will be seen later that Canada held Anglo-American friendship an indispensable condition for her own development, but the idea of being bandied from pillar to post as a peace-offering at the will of British statesmen was an intolerable condition, one not long to endure. If Canada could be sacrificed with impunity once, it might happen again. Steps would have to be taken to place Canada in a position of political responsibility so that her foreign affairs could be directly controlled by her own expediency and her own welfare. If such control could not be exercised within the Empire, then Canada would be forced either to leave the Empire or change it.

The importance of the Alaskan Boundary Dispute was not that the boundary had been definitely settled but that

21 Brown, Canada, 473.

Canada was given the spur to determine her political future.

The controversy was of significance more for its incidental effects, the occasion it gave for bringing Canadian and United States Public men into intimate contact, its effect in demonstrating that the national current in Canadian opinion would not necessarily run thereafter in the same channel as the imperial; and the impulse it gave to independent control of foreign affairs.²²

Precisely because of the outcome in the boundary tribunal, Canadians were forced to investigate the possibilities of gaining proper control of their foreign affairs. The British Empire was so constituted that the British Colonial Office handled all settlements of a private nature between the colony and Great Britain. When a decision would have international repercussions, the Foreign Office was solicited. Canada had advanced to the stage that on many occasions a Canadian official voiced Canadian policy; but this was not enough, for the deciding element was always Great Britain. And yet, Canada was slow to consider a complete rupture from the mother country. It is a speculative point whether she would make such a break if forced. The fact is she pursued a policy of suing for independence, while

22 Skelton, Life and Letters of Laurier, II, 159.

retaining British friendship. This conclusion was an immediate effect of the Alaskan Boundary Dispute.

The principal object of the British Government was to establish good relations with the United States -- an object which was admittedly beneficial to Canada -- and they were not prepared to sacrifice their main aim by insisting on the full Canadian programme. . . . To the Canadian Government and to the public it was a disappointing result, and there were many remarks to the effect that Canada had been deserted. It was not a far step from this to the suggestion that Canada would do better to conduct her own negotiations, an idea that was not new.²³

It has been noted that Canada was soon to realize the importance of Anglo-American friendship. If England and the United States were to drift apart, Canada would be forced to choose a side or lie in the middle.²⁴ In either case, Canada would stand to lose.

The entente cordiale of 1871 was admittedly beneficial to Canada, but established by sacrifices which she deprecated. In the early Twentieth Century Britain sought to maintain the entente, and again the Dominion protested against the sacrifice in Alaska. But not many years later it was Canada that urged the abolition of the Anglo-Japanese alliance, in order to remove a cause of dissension between London and Washington.²⁵

Such a dependence on Anglo-American friendship was to be a dominating factor in future Canadian policy. At the time of

²³ R. F. Flenley, ed., Essays in Canadian History, "Permanent Factors in Canadian External Relations," by G. P. deT. Glazebrook, Toronto, 1939, 219-220.

²⁴ Glazebrook, Canadian External Relations, 337.

²⁵ Glazebrook, "Permanent Factors in Canadian Factors in Canadian External Relations," 225.

the Alaskan Boundary Dispute, however, the importance of such a dependence had not yet been learned.

On the other side of the picture it was argued that Anglo-American relations would be more amicable were it not for Canada, or that at least Britain could retire from the mainland of North America with no loss to herself Some irresponsibility is manifested, for example, in the Canadian point of view on the Ashburton Treaty or the Alaska settlement.²⁶

It requires no courage to brand the Canadians as "irresponsible". It is true that later events were to prove the impracticality of opposing Anglo-American friendship, but, in 1903, Canada was not primarily concerned with the intimacy between England and the United States, especially when it was to be fostered at Canadian expense. Nor can her reaction be blamed on any immaturity in diplomatic relations, as some have done.²⁷ An evaluation of her diplomatic relations in the boundary question need not elicit such a conclusion. It can even be granted that the results of the Alaskan Boundary Tribunal were just and adequate.

Once again it was argued that Canada was being sacrificed in the interests of British diplomacy . . . It is the judgment of later years, however, that the award was perhaps fairer than was originally supposed.²⁸

26 Ibid.

27 Glazebrook, Canadian External Relations, 247.

28 Carl Wittke, A History of Canada, New York, 1928, 252.

The first two chapters of this thesis should prove that the decision was fair and just. There seems but one true interpretation of the Canadian reaction to the Alaskan Boundary Question--that it was a milestone in the maturing desire of Canada for political independence.

• • • there can be little doubt that the Alaska boundary award was a milestone in the growth of Canadian national freedom and eventually exercised considerable influence on the development of Canadian external policy.²⁹

Canada was a sleeping giant. It had vast natural resources and a wide expanse of territory. Canada already governed itself at home, but its foreign affairs were largely conducted by Great Britain. The Alaskan Boundary Dispute acted as a prod to arouse the sleeping giant. Because of the disappointing result of the tribunal, Canada was to waken to the fact that a land of such potential industrial strength, so vast and so flourishing, would best develop under its own political domination. It is true that many other causes led Canada to revamp the British Empire into the novel Commonwealth of Nations, but the Alaskan Boundary Dispute focused attention unalterably on the necessity of complete political freedom. To corroborate this thesis, one need only glance at the years that followed the tribunal's decision in 1903.

29 Brown, Canada, 132.

Canada consistently led the way as the members of the Empire evolved into the Commonwealth of Nations. In 1859 Canada levied substantial duties on goods from Britain; an unprecedented example of a member of the Empire dictating procedure to the metropolitan country.³⁰ Here was a colony dependent wholly on the mother country for defense, paying nothing for it, and yet levying duties against her.³¹ Such action on the part of Canada led to the Colonial Laws Validity Act of 1865 which empowered any representative colonial legislature to amend its constitution, powers, and procedure so long as it did not violate any British act still in force.³² While in practice, this act granted to the "white" colonies full responsibility over their internal affairs, Great Britain however, retained the right to interfere. Canada was not only the first colony to put a tariff on British goods, but in 1897, it was the originator of British tariff preference.³³ Thus Canada found herself in the anomalous position of winning more freedom from England on the one hand, and on the other fostering friendly relations with her. Two elements were appearing. Canadian political freedom was evolving while

30 Eric Estorick, Changing Empire, New York 1950, 22.

31 Ibid.

32 Ibid., 23

33 Ibid., 153.

British friendship was developed. Both these elements were to set the tone for the Commonwealth of Nations--a band of completely independent nations bound in friendly society for the attainment of a common goal. While the Commonwealth was to be a facile and ingenious political society, it was due more to circumstances than to political foresight. Such aggravating causes as the Alaskan Boundary Dispute created the awkward situation from which some speedy liberation was sought.

The British Empire began as a centralized power and evolved along the path of decentralization. The American nation produced an oligarchical imperial democracy under the banner of liberty while the British Empire dissolved its imperial oligarchy into a Commonwealth of Nations under the banner of political democracy and the independence of nations. In this process there was no inherent virtue or profound foresight. The makers of these respective empires adapted themselves to the circumstances where circumstances were more powerful than men.³⁴

Events played an important role in the creation of the Commonwealth of Nations, and those of Canada most especially.

From the standpoint of the Commonwealth much depends upon Canada. She is now a powerful North Atlantic State, and she has an important stake in Western Europe as well as in the Atlantic region. The sentimental ties between French Canada and modern France have lost some of their strength; but the tie of common interest between the Dominion and Western Europe has grown proportionately. Canada cannot, in truth, be indifferent to European affairs, if she is to develop as a great independent nation controlling her own destiny.³⁵

34 Ibid., 20-21, (author's italics).

35 Sir Edward Grigg, The British Commonwealth, N.Y., 199.

Before the Commonwealth was thoroughly formed, historians were pointing to Canada as the leading colonial force.

Of many examples I will choose a Canadian one because Canada is the oldest and most powerful of the Dominions, and because the future of the Empire, still inchoate as a Commonwealth, will be determined after this war upon Parliament Hill at Ottawa as much as on the banks of the Thames.³⁶

Canadians were aware of the vital position they held.

Lieutenant Colonel G. A. Drew, leader of the Conservative opposition in the provincial Legislature of Ontario, and also a private member of the Canadian National Parliament at Ottawa, delivered an address at Toronto on January 7, 1943, in which he said.

As we Canadians look to the days beyond the war and contemplate the steps we must take to assure peace, security and prosperity for the people of Canada, it seems clear that one of the very first things we must decide beyond all question is the nature of the relationship which is to exist between Canada, Great Britain and the other parts of the British Empire. Until we have reached a decision upon that point it will be extremely difficult if not impossible to reach other decisions affecting our relationship with other nations.

A very wise Frenchman wrote these words: "This is the time for every nation to come to an agreement with its own most secret hopes." Now that the pattern of victory is beginning to take form, I think these words apply with particular force to the people of Canada. We Canadians must come to an agreement with our most secret hopes regarding the future of our nation. That the hopes

³⁶ Ibid., foreword, 12.

differ goes without saying. It will take much frank discussion if we are to know exactly where we stand.

It is no longer possible to ignore the speeches of some Canadians who make it clear that they hope we will sever all connection with Britain when the war is over. That is their right in a free country. But I believe it will avoid future misunderstanding if those who believe the very opposite leave no doubt whatever about their determination that Canada shall continue to be a vigorous member of the British partnership.³⁷

Even as recently as the Second World War, Canada was readjusting her status in the British Commonwealth. By 1943, however, Canada exercised complete political freedom. She had come a long way from her colonial and dominion status of the previous century.

In estimating the importance of the Alaskan Boundary Dispute, it is paramount to distinguish between the boundary question itself, and the impact it had on Canadian political evolution.

37 Ibid., 13.

CONCLUSION

The first two chapters of this thesis have attempted to depict in broad strokes the history of the boundary question and the main arguments offered by both sides. From even this cursory study, one can judge the obvious strength of the American contention. Since the boundary itself was determined by treaty and custom, a preliminary inspection of both sources of information was needed to determine the weight of the arguments and the strength of the case of both the United States and Canada. Had the boundary dispute remained exclusively a question of demarcation, a consideration of these contentions would have sufficed and the historian would cease his labors with the boundary settlement. But the Alaskan boundary dispute was not so simple a matter.

The Klondike gold discoveries of 1903 had placed a new importance on Alaska. What had previously been considered a relatively meaningless stretch of terrain now appeared as a potential gold mine. Even a difference of a mile could mean the loss or gain of a vein of precious minerals. The vast stretches of Alaska were mostly unexplored for gold and that same hope for wealth which drove scores of Americans and Canadians to the Klondike also caught the fancy of the leaders of both countries. How could one be sure that he was not giving away a gold mine when he granted stretches of boundary

land here and there to his neighbor? Diplomats could console one another in bestowing worthless tracts as a token of compromise and friendship but to lose a fortune in gold was neither compromise, friendship nor good diplomacy. Since neither Canada nor the United States could be certain as to the real worth of the boundary under question, the prudent course would be to drive a hard bargain and win as much of this untested land as possible. It was at this point then, that the boundary question widened from a mere dispute of territorial demarcation to a struggle for control of the waterways and trails leading to the gold deposits as well as the much coveted deposits themselves. It was at this point that bankers and farmers, traders and merchants, leaders and citizens began to feel strongly about the boundary dispute. The common man in the street together with the chosen representatives of government would be more ready to voice an opinion on the Alaskan Boundary and, as the people became enthused, their newspapers stretched headline after headline across their daily publications heightening the personal interest to a national hysteria. Canadian and American alike tightened his belt for the oncoming tussle.

Great Britain, as the guardian of Canada, came to the support of the Canadian people. With such backing, Canada could be hopeful and optimistic and so long as the mother country agreed with the Canadian contentions, few Canadians

would pause to ask themselves if this relationship with the British Empire was salutary or not. If England's interference meant anything at all, it would strengthen the Canadian demand. Even the French Canadians, though not soliciting the aid of Great Britain, could evaluate the importance of the Empire joining hands with Canada against the youthful aspirations of this immature giant called the United States. But Great Britain did not enter the boundary dispute alone; it brought with it all its imperial connections and complicated international relationships. This status of the mother country was to prove the deciding factor in the boundary dispute.

The alliance of Great Britain and Canada was to be set in competition with a hearty American nation under the dynamic leadership of Theodore Roosevelt. Even had Congress not been bolstered by such strong "American-firsters" as the senators from New England and the Northwest states, it seems probable that Roosevelt alone could have fostered such a demanding policy in the tribunal dispute. He had even threatened England by sending detachments of American soldiers to the Alaskan border with the promise to use these troops if the boundary tribunal rendered a decision unfavorable to the people whom he represented. He forced his ambassador in London to blush with his plain and forceful manner as he time and time again badgered the Union Jack and John Bull. Perhaps to some, this frontier statesmanship seemed vain and useless but Roosevelt had

relies heavily on the conviction that the British Empire could not afford to gamble away American friendship, especially with Europe in its restless state. And in this, history has proved Roosevelt's conviction to be true.

When Great Britain stepped across the Atlantic to take sides in the Alaskan Boundary Dispute, it left a troubled continent behind it. Germany was on the ascendancy with a strong nationalism gripping its people. Factories were humming and harbors were bustling as the German people began to eat away at the lifeline of the British Empire, the trade routes. It seemed only a few short years before the German nation would completely upset the balance of power in Europe, that fine and intangible something which kept European fears quiet. If ever this balance of power was upset, then fifteen hundred years of European history had taught Europe to expect war. For Great Britain, German ascendancy was a living threat and it would take all combined strength of a well united Empire to withstand the German surge. But the British Empire was far from being well united.

The Boer War had become a knotting problem to the British and the peoples of South Africa were not as easily subdued as the British Press had foretold. With the possibility of the Boers gaining independence, the Empire would have not only a diplomatic embarrassment to handle but an empire which

was bursting at the seams. Would it not be probable that some of the other loosely knit parts of the Empire should attempt their liberation and eruption from the British yoke? This could cause an internal struggle that might shatter British Imperial sway. And all the while, Germany would be building.

With Great Britain so perplexed, President Roosevelt entered the Alaskan Boundary Dispute with great confidence and assurance. He dictated policy at every turn, always insisting on the full rights of American claims, never allowing a compromise to spoil his attempt.

The boundary dispute appeared in the midst of these calamitous times and the important issues of the day were focused on the diplomatic relations of the boundary tribunal. No wonder, then, that the role of Great Britain became extremely complex and that she was eventually forced to sacrifice the Canadian claims to win American friendship. For Great Britain, the decision was perhaps one of the most pregnant in its results for it helped to forge the Anglo-American alliance which would carry the British Empire through two world wars and into the modern atomic age in close existence with the United States. But, ironically enough, Britain's Alaskan boundary decision would spell out the dissolution of the once great British Empire and usher in the new and unwieldy Commonwealth of Nations.

When Great Britain voted in the boundary tribunal to uphold the American claims, it did prepare the way for Anglo-American friendship but it left the status of Canada questionable. Canada had vigorously fought for a few scattered patches of land and waterways only to see them awarded to her antagonist by her guardian. The role of Canada in the British Empire had to be examined and investigated. If it meant that Canada could be used as a pawn to win diplomatic victories for Great Britain, then perhaps the Canadian people would not agree to any such membership. Canada had been used as a pawn once, it could happen again. There was required only the passage of years for the Canadian people to mature into a common nation and the arbitrary treatment received by them from Great Britain in the Alaskan Boundary Dispute prompted a serious doubt as to the advantage of British Imperial connection. After a few short years of thought and interim, Canada was to decide that the best guardian of Canada was the Canadian people. Canada must be responsible for her own international status. It was this decision of the Canadian government which motivated it to secure its own foreign ambassadors so that at the time of the First World War, Canada had her own representative in Washington. Other members of the British Empire followed suit but it was not till the Second World War that Canada and Australia and New Zealand could take their places in world affairs with their own independent and separate vote. They were no longer bunched

together in an Imperial ballot in which Great Britain spoke for all the members of her Empire. Now each of these countries were considered independent entities. Canada soon established her own diplomatic corps and forced Great Britain to recognize it. Other members of the Empire followed suit and the trend towards independent action was established.

Shortly after the First World War, Canada realized that the Empire should be held to trade preferences. This was to touch off a long and complicated debate on the proper obligations Great Britain owed her Empire states. And so the pressure on Great Britain was mounting. Finally, because of the leadership taken by the Canadian Parliament, the members of the Empire met in council and the result was that the Empire of Great Britain was first transformed into the British Commonwealth of Nations and then into the Commonwealth of Nations. All her influence in the Empire was exploited and Canadian pressure prodded Great Britain to transform the centralized Imperial system into a new and responsible Commonwealth of Nations. History was to see, for the first time, a league of independent nations bound together in friendly alliance by common interests and common heritage. The rise of the Commonwealth was generated by many and varied causes but perhaps the first major influence was that of Canada, and Canada vowed herself to such a dedication after the Alaskan Boundary Dispute convinced her that she must stand

alone if she was to stand at all. The boundary dispute stands as a shibboleth of the achievement of free nations. Its significance far outweighed its intrinsic merit, for the boundary dispute looms forth in Canadian history as a milestone in the maturing desire of the Canadian people for complete political independence. For Canada, it was "the shot heard round the world."

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